

(B) (2) of section 5747.062 of the Revised Code;	515
(30) The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	516 517 518
(31) For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;	519 520 521
(32) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5733.59 of the Revised Code.	522 523
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	524 525 526 527 528 529
Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:	530 531 532 533
(1) Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;	534 535 536
(2) Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;	537 538 539
(3) The dependent care credit under section 5747.054 of the Revised Code;	540 541
(4) The credit for displaced workers who pay for job training	542

under section 5747.27 of the Revised Code;	543
(5) The campaign contribution credit under section 5747.29 of the Revised Code;	544
	545
(6) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	546
	547
(7) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	548
	549
(8) The earned income credit under section 5747.71 of the Revised Code;	550
	551
(9) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	552
	553
(10) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	554
	555
(11) The enterprise zone credit under section 5709.66 of the Revised Code;	556
	557
(12) The ethanol plant investment credit under section 5747.75 of the Revised Code;	558
	559
(13) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	560
	561
(14) The small business investment credit under section 5747.81 of the Revised Code;	562
	563
(15) The enterprise zone credits under section 5709.65 of the Revised Code;	564
	565
(16) The research and development credit under section 5747.331 of the Revised Code;	566
	567
(17) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	568
	569

(18) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	570 571
(19) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	572 573
(20) The refundable motion picture <u>and Broadway theatrical</u> production credit under section 5747.66 of the Revised Code;	574 575
(21) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	576 577
(22) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	578 579
(23) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	580 581 582
(24) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	583 584 585
(25) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	586 587
(26) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	588 589 590
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be	591 592 593 594 595 596 597

carried forward if authorized under the section creating that 598
credit. Nothing in this chapter shall be construed to allow a 599
taxpayer to claim, directly or indirectly, a credit more than once 600
for a taxable year. 601

Sec. 5751.98. (A) To provide a uniform procedure for 602
calculating the amount of tax due under this chapter, a taxpayer 603
shall claim any credits to which it is entitled in the following 604
order: 605

(1) The nonrefundable jobs retention credit under division 606
(B) of section 5751.50 of the Revised Code; 607

(2) The nonrefundable credit for qualified research expenses 608
under division (B) of section 5751.51 of the Revised Code; 609

(3) The nonrefundable credit for a borrower's qualified 610
research and development loan payments under division (B) of 611
section 5751.52 of the Revised Code; 612

(4) The nonrefundable credit for calendar years 2010 to 2029 613
for unused net operating losses under division (B) of section 614
5751.53 of the Revised Code; 615

(5) The refundable motion picture and Broadway theatrical 616
production credit under section 5751.54 of the Revised Code; 617

(6) The refundable jobs creation credit or job retention 618
credit under division (A) of section 5751.50 of the Revised Code; 619

(7) The refundable credit for calendar year 2030 for unused 620
net operating losses under division (C) of section 5751.53 of the 621
Revised Code. 622

(B) For any credit except the refundable credits enumerated 623
in this section, the amount of the credit for a tax period shall 624
not exceed the tax due after allowing for any other credit that 625

precedes it in the order required under this section. Any excess
amount of a particular credit may be carried forward if authorized
under the section creating the credit."

In line 396, after "102.01," insert "107.036, 122.85,"

In line 397, delete "and"; after "2744.07" insert ", 5726.98,
5733.98, 5747.98, and 5751.98"

After line 398, insert:

"**Section 3.** The amendment by this act of division (B) of
section 122.85 of the Revised Code requiring the Director of
Development Services to rescind certification of any tax
credit-eligible production that does not begin production within
90 days applies to motion pictures and Broadway theatrical
productions that are certified on or after January 1, 2019."

The Director of Development Services in consultation with the
Tax Commissioner shall adopt rules for the administration of
section 122.85 of the Revised Code, as amended by this act,
pursuant to division (G)(1) of that section on or before January
1, 2019.

All other amendments by this act of section 122.85, and the
amendment by this act of sections 107.036, 5726.98, 5733.98,
5747.98, and 5751.98 of the Revised Code apply on and after
January 1, 2019."

The motion was _____ agreed to.

Topic: The American Law Institute's "Restatement of the Law,
Liability Insurance"

_____ moved to amend as follows:

1 In line 2 of the title, after "2744.07" insert "and to
2 enact section 3901.82"

3 In line 4 of the title, after "governments" insert "and to
4 specify that the American Law Institute's approved "Restatement
5 of the Law, Liability Insurance" does not constitute the public
6 policy of Ohio"

7 In line 6, delete "of the Revised Code"; after "amended"
8 insert "and section 3901.82 of the Revised Code be enacted"

9 Between lines 395 and 396, insert:

10 "Sec. 3901.82. The "Restatement of the Law, Liability
11 Insurance" that was approved at the 2018 annual meeting of the
12 American law institute does not constitute the public policy of
13 this state and is not an appropriate subject of notice."

14 The motion was _____ agreed to.

I_132_2434-2

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 585

A BILL

To amend sections 2151.34, 2903.213, 2903.214, 1
2919.26, 2923.11, 2923.13, 2923.14, 2923.18, 2
2923.20, 3113.31, 3113.99, and 5122.10 and to 3
enact sections 3113.26, 3113.27, 3113.28, 4
3113.29, and 3113.30 of the Revised Code to 5
expand the definition of dangerous ordnance to 6
include armor piercing ammunition and expand the 7
definition of an automatic firearm to include 8
any device within the federal definition of 9
machine gun; to create additional conditions 10
under which an individual may not possess a 11
firearm or dangerous ordnance; to generally 12
prohibit a person from soliciting or persuading 13
a licensed dealer or private seller to transfer 14
a firearm or ammunition under circumstances the 15
person knows would violate state or federal law; 16
to restate requirements regarding the entry of 17
protection orders into and removal from LEADS 18
and their entry into and steps for removal from 19
the federal NCIC database; to provide for the 20
temporary taking of firearms by a law 21
enforcement officer who takes a person into 22
custody for a mental health evaluation, when the 23



wbkwyaafdgvgnusysgkvak

person is thought to represent a substantial 24
risk of physical harm to any person if allowed 25
to remain at liberty and the taking of the 26
firearms is necessary to protect any person; and 27
to provide for the issuance by a probate court 28
of an extreme risk protection order. 29

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.34, 2903.213, 2903.214, 30
2919.26, 2923.11, 2923.13, 2923.14, 2923.18, 2923.20, 3113.31, 31
3113.99, and 5122.10 be amended and sections 3113.26, 3113.27, 32
3113.28, 3113.29, and 3113.30 of the Revised Code be enacted to 33
read as follows: 34

Sec. 2151.34. (A) As used in this section: 35

(1) "Court" means the juvenile division of the court of 36
common pleas of the county in which the person to be protected 37
by the protection order resides. 38

(2) "Victim advocate" means a person who provides support 39
and assistance for a person who files a petition under this 40
section. 41

(3) "Family or household member" has the same meaning as 42
in section 3113.31 of the Revised Code. 43

(4) "Protection order issued by a court of another state" 44
has the same meaning as in section 2919.27 of the Revised Code. 45

(5) "Petitioner" means a person who files a petition under 46
this section and includes a person on whose behalf a petition 47
under this section is filed. 48

- (6) "Respondent" means a person who is under eighteen years of age and against whom a petition is filed under this section. 49 50 51
- (7) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 52 53
- (8) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code. 54 55
- (9) "Companion animal" has the same meaning as in section 959.131 of the Revised Code. 56 57
- (10) "Expunge" has the same meaning as in section 2151.355 of the Revised Code. 58 59
- (B) The court has jurisdiction over all proceedings under this section. 60 61
- (C)(1) Any of the following persons may seek relief under this section by filing a petition with the court: 62 63
- (a) Any person on behalf of that person; 64
- (b) Any parent or adult family or household member on behalf of any other family or household member; 65 66
- (c) Any person who is determined by the court in its discretion as an appropriate person to seek relief under this section on behalf of any child. 67 68 69
- (2) The petition shall contain or state all of the following: 70 71
- (a) An allegation that the respondent engaged in a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, committed a sexually oriented offense, or engaged in a violation of any 72 73 74 75

municipal ordinance that is substantially equivalent to any of 76
those offenses against the person to be protected by the 77
protection order, including a description of the nature and 78
extent of the violation; 79

(b) If the petitioner seeks relief in the form of 80
electronic monitoring of the respondent, an allegation that at 81
any time preceding the filing of the petition the respondent 82
engaged in conduct that would cause a reasonable person to 83
believe that the health, welfare, or safety of the person to be 84
protected was at risk, a description of the nature and extent of 85
that conduct, and an allegation that the respondent presents a 86
continuing danger to the person to be protected; 87

(c) A request for relief under this section. 88

(3) The court in its discretion may determine whether or 89
not to give notice that a petition has been filed under division 90
(C)(1) of this section on behalf of a child to any of the 91
following: 92

(a) A parent of the child if the petition was filed by any 93
person other than a parent of the child; 94

(b) Any person who is determined by the court to be an 95
appropriate person to receive notice of the filing of the 96
petition. 97

(D)(1) If a person who files a petition pursuant to this 98
section requests an ex parte order, the court shall hold an ex 99
parte hearing as soon as possible after the petition is filed, 100
but not later than the next day after the court is in session 101
after the petition is filed. The court, for good cause shown at 102
the ex parte hearing, may enter any temporary orders, with or 103
without bond, that the court finds necessary for the safety and 104

protection of the person to be protected by the order. Immediate 105
and present danger to the person to be protected by the 106
protection order constitutes good cause for purposes of this 107
section. Immediate and present danger includes, but is not 108
limited to, situations in which the respondent has threatened 109
the person to be protected by the protection order with bodily 110
harm or in which the respondent previously has been convicted 111
of, pleaded guilty to, or been adjudicated a delinquent child 112
for committing a violation of section 2903.11, 2903.12, 2903.13, 113
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 114
sexually oriented offense, or a violation of any municipal 115
ordinance that is substantially equivalent to any of those 116
offenses against the person to be protected by the protection 117
order. 118

(2)(a) If the court, after an ex parte hearing, issues a 119
protection order described in division (E) of this section, the 120
court shall schedule a full hearing for a date that is within 121
ten court days after the ex parte hearing. The court shall give 122
the respondent notice of, and an opportunity to be heard at, the 123
full hearing. The court also shall give notice of the full 124
hearing to the parent, guardian, or legal custodian of the 125
respondent. The court shall hold the full hearing on the date 126
scheduled under this division unless the court grants a 127
continuance of the hearing in accordance with this division. 128
Under any of the following circumstances or for any of the 129
following reasons, the court may grant a continuance of the full 130
hearing to a reasonable time determined by the court: 131

(i) Prior to the date scheduled for the full hearing under 132
this division, the respondent has not been served with the 133
petition filed pursuant to this section and notice of the full 134
hearing. 135

(ii) The parties consent to the continuance.	136
(iii) The continuance is needed to allow a party to obtain counsel.	137 138
(iv) The continuance is needed for other good cause.	139
(b) An ex parte order issued under this section does not expire because of a failure to serve notice of the full hearing upon the respondent before the date set for the full hearing under division (D)(2)(a) of this section or because the court grants a continuance under that division.	140 141 142 143 144
(3) If a person who files a petition pursuant to this section does not request an ex parte order, or if a person requests an ex parte order but the court does not issue an ex parte order after an ex parte hearing, the court shall proceed as in a normal civil action and grant a full hearing on the matter.	145 146 147 148 149 150
(E)(1)(a) After an ex parte or full hearing, the court may issue any protection order, with or without bond, that contains terms designed to ensure the safety and protection of the person to be protected by the protection order. The court may include within a protection order issued under this section a term requiring that the respondent not remove, damage, hide, harm, or dispose of any companion animal owned or possessed by the person to be protected by the order, and may include within the order a term authorizing the person to be protected by the order to remove a companion animal owned by the person to be protected by the order from the possession of the respondent.	151 152 153 154 155 156 157 158 159 160 161
(b) After a full hearing, if the court considering a petition that includes an allegation of the type described in division (C)(2)(b) of this section or the court, upon its own	162 163 164

motion, finds upon clear and convincing evidence that the 165
petitioner reasonably believed that the respondent's conduct at 166
any time preceding the filing of the petition endangered the 167
health, welfare, or safety of the person to be protected and 168
that the respondent presents a continuing danger to the person 169
to be protected and if division (N) of this section does not 170
prohibit the issuance of an order that the respondent be 171
electronically monitored, the court may order that the 172
respondent be electronically monitored for a period of time and 173
under the terms and conditions that the court determines are 174
appropriate. Electronic monitoring shall be in addition to any 175
other relief granted to the petitioner. 176

(2) (a) Any protection order issued pursuant to this 177
section shall be valid until a date certain but not later than 178
the date the respondent attains nineteen years of age. 179

(b) Any protection order issued pursuant to this section 180
may be renewed in the same manner as the original order was 181
issued. 182

(3) A court may not issue a protection order that requires 183
a petitioner to do or to refrain from doing an act that the 184
court may require a respondent to do or to refrain from doing 185
under division (E) (1) of this section unless all of the 186
following apply: 187

(a) The respondent files a separate petition for a 188
protection order in accordance with this section. 189

(b) The petitioner is served with notice of the 190
respondent's petition at least forty-eight hours before the 191
court holds a hearing with respect to the respondent's petition, 192
or the petitioner waives the right to receive this notice. 193

(c) If the petitioner has requested an ex parte order 194
pursuant to division (D) of this section, the court does not 195
delay any hearing required by that division beyond the time 196
specified in that division in order to consolidate the hearing 197
with a hearing on the petition filed by the respondent. 198

(d) After a full hearing at which the respondent presents 199
evidence in support of the request for a protection order and 200
the petitioner is afforded an opportunity to defend against that 201
evidence, the court determines that the petitioner has committed 202
a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 203
2903.211, 2903.22, or 2911.211 of the Revised Code, a sexually 204
oriented offense, or a violation of any municipal ordinance that 205
is substantially equivalent to any of those offenses against the 206
person to be protected by the protection order issued pursuant 207
to division (E)(3) of this section, or has violated a protection 208
order issued pursuant to this section or section 2903.213 of the 209
Revised Code relative to the person to be protected by the 210
protection order issued pursuant to division (E)(3) of this 211
section. 212

(4) No protection order issued pursuant to this section 213
shall in any manner affect title to any real property. 214

(5)(a) A protection order issued under this section shall 215
clearly state that the person to be protected by the order 216
cannot waive or nullify by invitation or consent any requirement 217
in the order. 218

(b) Division (E)(5)(a) of this section does not limit any 219
discretion of a court to determine that a respondent alleged to 220
have violated section 2919.27 of the Revised Code, violated a 221
municipal ordinance substantially equivalent to that section, or 222
committed contempt of court, which allegation is based on an 223

alleged violation of a protection order issued under this 224
section, did not commit the violation or was not in contempt of 225
court. 226

(6) Any protection order issued pursuant to this section 227
shall include a provision that the court will automatically seal 228
all of the records of the proceeding in which the order is 229
issued on the date the respondent attains the age of nineteen 230
years unless the petitioner provides the court with evidence 231
that the respondent has not complied with all of the terms of 232
the protection order. The protection order shall specify the 233
date when the respondent attains the age of nineteen years. 234

(F)(1) The court shall cause the delivery of a copy of any 235
protection order that is issued under this section to the 236
petitioner, to the respondent, and to all law enforcement 237
agencies that have jurisdiction to enforce the order. If the 238
protection order will be valid subsequent to the date on which 239
the respondent attains eighteen years of age, the order shall be 240
in a form that ensures that the protection order is accepted 241
into the protection order database of the national crime 242
information center (NCIC) maintained by the federal bureau of 243
investigation. The court shall direct that a copy of the order 244
be delivered to the respondent and the parent, guardian, or 245
legal custodian of the respondent on the same day that the order 246
is entered. If the court terminates or cancels the order, the 247
court shall cause the delivery of notice of the termination or 248
cancellation to the same persons and entities that were 249
delivered a copy of the order. 250

(2) Upon the issuance of a protection order under this 251
section, the court shall provide the parties to the order with 252
the following notice orally or by form: 253

"NOTICE

As a result of this order, it may be unlawful for you to possess or purchase a firearm, including a rifle, pistol, or revolver, or ammunition pursuant to federal law under 18 U.S.C. 922(g)(8). If you have any questions whether this law makes it illegal for you to possess or purchase a firearm or ammunition, you should consult an attorney."

(3) All law enforcement agencies shall establish and maintain an index for the protection orders delivered to the agencies pursuant to division (F)(1) of this section. With respect to each order delivered, each agency shall note on the index the date and time that it received the order. Each protection order received by a law enforcement agency pursuant to this section that will be valid subsequent to the date on which the respondent attains eighteen years of age shall be entered by the agency into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, within twenty-four hours after receipt. Upon the termination or cancellation of the order, the agency shall take all steps necessary to ensure that the order is removed from LEADS within twenty-four hours after receipt of notice of the termination or cancellation and that it is terminated, cleared, or canceled in the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation.

(4) Regardless of whether the petitioner has registered the protection order in the county in which the officer's agency has jurisdiction pursuant to division (M) of this section, any officer of a law enforcement agency shall enforce a protection order issued pursuant to this section by any court in this state

in accordance with the provisions of the order, including 284
removing the respondent from the premises, if appropriate. 285

(G)(1) Any proceeding under this section shall be 286
conducted in accordance with the Rules of Civil Procedure, 287
except that a protection order may be obtained under this 288
section with or without bond. An order issued under this 289
section, other than an ex parte order, that grants a protection 290
order, or that refuses to grant a protection order, is a final, 291
appealable order. The remedies and procedures provided in this 292
section are in addition to, and not in lieu of, any other 293
available civil or criminal remedies or any other available 294
remedies under Chapter 2151. or 2152. of the Revised Code. 295

(2) If as provided in division (G)(1) of this section an 296
order issued under this section, other than an ex parte order, 297
refuses to grant a protection order, the court, on its own 298
motion, shall order that the ex parte order issued under this 299
section and all of the records pertaining to that ex parte order 300
be expunged after either of the following occurs: 301

(a) The period of the notice of appeal from the order that 302
refuses to grant a protection order has expired. 303

(b) The order that refuses to grant the protection order 304
is appealed and an appellate court to which the last appeal of 305
that order is taken affirms the order. 306

(H) The filing of proceedings under this section does not 307
excuse a person from filing any report or giving any notice 308
required by section 2151.421 of the Revised Code or by any other 309
law. 310

(I) Any law enforcement agency that investigates an 311
alleged violation of section 2903.11, 2903.12, 2903.13, 2903.21, 312

2903.211, 2903.22, or 2911.211 of the Revised Code, an alleged 313
commission of a sexually oriented offense, or an alleged 314
violation of a municipal ordinance that is substantially 315
equivalent to any of those offenses shall provide information to 316
the victim and the family or household members of the victim 317
regarding the relief available under this section. 318

(J)(1) Subject to division (J)(2) of this section and 319
regardless of whether a protection order is issued or a consent 320
agreement is approved by a court of another county or by a court 321
of another state, no court or unit of state or local government 322
shall charge the petitioner any fee, cost, deposit, or money in 323
connection with the filing of a petition pursuant to this 324
section, in connection with the filing, issuance, registration, 325
modification, enforcement, dismissal, withdrawal, or service of 326
a protection order, consent agreement, or witness subpoena or 327
for obtaining a certified copy of a protection order or consent 328
agreement. 329

(2) Regardless of whether a protection order is issued or 330
a consent agreement is approved pursuant to this section, the 331
court may assess costs against the respondent in connection with 332
the filing, issuance, registration, modification, enforcement, 333
dismissal, withdrawal, or service of a protection order, consent 334
agreement, or witness subpoena or for obtaining a certified copy 335
of a protection order or consent agreement. 336

(K)(1) A person who violates a protection order issued 337
under this section is subject to the following sanctions: 338

(a) A delinquent child proceeding or a criminal 339
prosecution for a violation of section 2919.27 of the Revised 340
Code, if the violation of the protection order constitutes a 341
violation of that section; 342

(b) Punishment for contempt of court. 343

(2) The punishment of a person for contempt of court for 344
violation of a protection order issued under this section does 345
not bar criminal prosecution of the person or a delinquent child 346
proceeding concerning the person for a violation of section 347
2919.27 of the Revised Code. However, a person punished for 348
contempt of court is entitled to credit for the punishment 349
imposed upon conviction of or adjudication as a delinquent child 350
for a violation of that section, and a person convicted of or 351
adjudicated a delinquent child for a violation of that section 352
shall not subsequently be punished for contempt of court arising 353
out of the same activity. 354

(L) In all stages of a proceeding under this section, a 355
petitioner may be accompanied by a victim advocate. 356

(M) (1) A petitioner who obtains a protection order under 357
this section may provide notice of the issuance or approval of 358
the order to the judicial and law enforcement officials in any 359
county other than the county in which the order is issued by 360
registering that order in the other county pursuant to division 361
(M) (2) of this section and filing a copy of the registered order 362
with a law enforcement agency in the other county in accordance 363
with that division. A person who obtains a protection order 364
issued by a court of another state may provide notice of the 365
issuance of the order to the judicial and law enforcement 366
officials in any county of this state by registering the order 367
in that county pursuant to section 2919.272 of the Revised Code 368
and filing a copy of the registered order with a law enforcement 369
agency in that county. 370

(2) A petitioner may register a protection order issued 371
pursuant to this section in a county other than the county in 372

which the court that issued the order is located in the 373
following manner: 374

(a) The petitioner shall obtain a certified copy of the 375
order from the clerk of the court that issued the order and 376
present that certified copy to the clerk of the court of common 377
pleas or the clerk of a municipal court or county court in the 378
county in which the order is to be registered. 379

(b) Upon accepting the certified copy of the order for 380
registration, the clerk of the court of common pleas, municipal 381
court, or county court shall place an endorsement of 382
registration on the order and give the petitioner a copy of the 383
order that bears that proof of registration. 384

(3) The clerk of each court of common pleas, municipal 385
court, or county court shall maintain a registry of certified 386
copies of protection orders that have been issued by courts in 387
other counties pursuant to this section and that have been 388
registered with the clerk. 389

(N) If the court orders electronic monitoring of the 390
respondent under this section, the court shall direct the 391
sheriff's office or any other appropriate law enforcement agency 392
to install the electronic monitoring device and to monitor the 393
respondent. Unless the court determines that the respondent is 394
indigent, the court shall order the respondent to pay the cost 395
of the installation and monitoring of the electronic monitoring 396
device. If the court determines that the respondent is indigent 397
and subject to the maximum amount allowable to be paid in any 398
year from the fund and the rules promulgated by the attorney 399
general under section 2903.214 of the Revised Code, the cost of 400
the installation and monitoring of the electronic monitoring 401
device may be paid out of funds from the reparations fund 402

created pursuant to section 2743.191 of the Revised Code. The 403
total amount paid from the reparations fund created pursuant to 404
section 2743.191 of the Revised Code for electronic monitoring 405
under this section and sections 2903.214 and 2919.27 of the 406
Revised Code shall not exceed three hundred thousand dollars per 407
year. When the total amount paid from the reparations fund in 408
any year for electronic monitoring under those sections equals 409
or exceeds three hundred thousand dollars, the court shall not 410
order pursuant to this section that an indigent respondent be 411
electronically monitored. 412

(O) The court, in its discretion, may determine if the 413
respondent is entitled to court-appointed counsel in a 414
proceeding under this section. 415

Sec. 2903.213. (A) Except when the complaint involves a 416
person who is a family or household member as defined in section 417
2919.25 of the Revised Code, upon the filing of a complaint that 418
alleges a violation of section 2903.11, 2903.12, 2903.13, 419
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 420
violation of a municipal ordinance substantially similar to 421
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 422
Revised Code, or the commission of a sexually oriented offense, 423
the complainant, the alleged victim, or a family or household 424
member of an alleged victim may file a motion that requests the 425
issuance of a protection order as a pretrial condition of 426
release of the alleged offender, in addition to any bail set 427
under Criminal Rule 46. The motion shall be filed with the clerk 428
of the court that has jurisdiction of the case at any time after 429
the filing of the complaint. If the complaint involves a person 430
who is a family or household member, the complainant, the 431
alleged victim, or the family or household member may file a 432
motion for a temporary protection order pursuant to section 433

2919.26 of the Revised Code. 434

(B) A motion for a protection order under this section 435
shall be prepared on a form that is provided by the clerk of the 436
court, and the form shall be substantially as follows: 437

"Motion for Protection Order 438

..... 439

Name and address of court 440

441

State of Ohio 442

v. No. 443

..... 444

Name of Defendant 445

(Name of person), moves the court to issue a protection order 446
containing terms designed to ensure the safety and protection of 447
the complainant or the alleged victim in the above-captioned 448
case, in relation to the named defendant, pursuant to its 449
authority to issue a protection order under section 2903.213 of 450
the Revised Code. 451

A complaint, a copy of which has been attached to this 452
motion, has been filed in this court charging the named 453
defendant with a violation of section 2903.11, 2903.12, 2903.13, 454
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, a 455
violation of a municipal ordinance substantially similar to 456
section 2903.13, 2903.21, 2903.211, 2903.22, or 2911.211 of the 457
Revised Code, or the commission of a sexually oriented offense. 458

I understand that I must appear before the court, at a 459
time set by the court not later than the next day that the court 460

is in session after the filing of this motion, for a hearing on 461
the motion, and that any protection order granted pursuant to 462
this motion is a pretrial condition of release and is effective 463
only until the disposition of the criminal proceeding arising 464
out of the attached complaint or until the issuance under 465
section 2903.214 of the Revised Code of a protection order 466
arising out of the same activities as those that were the basis 467
of the attached complaint. 468

..... 469
Signature of person 470

..... 471
Address of person" 472

(C) (1) As soon as possible after the filing of a motion 473
that requests the issuance of a protection order under this 474
section, but not later than the next day that the court is in 475
session after the filing of the motion, the court shall conduct 476
a hearing to determine whether to issue the order. The person 477
who requested the order shall appear before the court and 478
provide the court with the information that it requests 479
concerning the basis of the motion. If the court finds that the 480
safety and protection of the complainant or the alleged victim 481
may be impaired by the continued presence of the alleged 482
offender, the court may issue a protection order under this 483
section, as a pretrial condition of release, that contains terms 484
designed to ensure the safety and protection of the complainant 485
or the alleged victim, including a requirement that the alleged 486
offender refrain from entering the residence, school, business, 487
or place of employment of the complainant or the alleged victim. 488
The court may include within a protection order issued under 489
this section a term requiring that the alleged offender not 490

remove, damage, hide, harm, or dispose of any companion animal 491
owned or possessed by the complainant or the alleged victim, and 492
may include within the order a term authorizing the complainant 493
or the alleged victim to remove a companion animal owned by the 494
complainant or the alleged victim from the possession of the 495
alleged offender. 496

(2)(a) If the court issues a protection order under this 497
section that includes a requirement that the alleged offender 498
refrain from entering the residence, school, business, or place 499
of employment of the complainant or the alleged victim, the 500
order shall clearly state that the order cannot be waived or 501
nullified by an invitation to the alleged offender from the 502
complainant, the alleged victim, or a family or household member 503
to enter the residence, school, business, or place of employment 504
or by the alleged offender's entry into one of those places 505
otherwise upon the consent of the complainant, the alleged 506
victim, or a family or household member. 507

(b) Division (C)(2)(a) of this section does not limit any 508
discretion of a court to determine that an alleged offender 509
charged with a violation of section 2919.27 of the Revised Code, 510
with a violation of a municipal ordinance substantially 511
equivalent to that section, or with contempt of court, which 512
charge is based on an alleged violation of a protection order 513
issued under this section, did not commit the violation or was 514
not in contempt of court. 515

(D)(1) Except when the complaint involves a person who is 516
a family or household member as defined in section 2919.25 of 517
the Revised Code, upon the filing of a complaint that alleges a 518
violation specified in division (A) of this section, the court, 519
upon its own motion, may issue a protection order under this 520

section as a pretrial condition of release of the alleged 521
offender if it finds that the safety and protection of the 522
complainant or the alleged victim may be impaired by the 523
continued presence of the alleged offender. 524

(2)(a) If the court issues a protection order under this 525
section as an ex parte order, it shall conduct, as soon as 526
possible after the issuance of the order but not later than the 527
next day that the court is in session after its issuance, a 528
hearing to determine whether the order should remain in effect, 529
be modified, or be revoked. The hearing shall be conducted under 530
the standards set forth in division (C) of this section. 531

(b) If at a hearing conducted under division (D)(2)(a) of 532
this section the court determines that the ex parte order that 533
the court issued should be revoked, the court, on its own 534
motion, shall order that the ex parte order that is revoked and 535
all of the records pertaining to that ex parte order be 536
expunged. 537

(3) If a municipal court or a county court issues a 538
protection order under this section and if, subsequent to the 539
issuance of the order, the alleged offender who is the subject 540
of the order is bound over to the court of common pleas for 541
prosecution of a felony arising out of the same activities as 542
those that were the basis of the complaint upon which the order 543
is based, notwithstanding the fact that the order was issued by 544
a municipal court or county court, the order shall remain in 545
effect, as though it were an order of the court of common pleas, 546
while the charges against the alleged offender are pending in 547
the court of common pleas, for the period of time described in 548
division (E)(2) of this section, and the court of common pleas 549
has exclusive jurisdiction to modify the order issued by the 550

municipal court or county court. This division applies when the
alleged offender is bound over to the court of common pleas as a
result of the person waiving a preliminary hearing on the felony
charge, as a result of the municipal court or county court
having determined at a preliminary hearing that there is
probable cause to believe that the felony has been committed and
that the alleged offender committed it, as a result of the
alleged offender having been indicted for the felony, or in any
other manner.

(E) A protection order that is issued as a pretrial
condition of release under this section:

(1) Is in addition to, but shall not be construed as a
part of, any bail set under Criminal Rule 46;

(2) Is effective only until the disposition, by the court
that issued the order or, in the circumstances described in
division (D)(3) of this section, by the court of common pleas to
which the alleged offender is bound over for prosecution, of the
criminal proceeding arising out of the complaint upon which the
order is based or until the issuance under section 2903.214 of
the Revised Code of a protection order arising out of the same
activities as those that were the basis of the complaint filed
under this section;

(3) Shall not be construed as a finding that the alleged
offender committed the alleged offense and shall not be
introduced as evidence of the commission of the offense at the
trial of the alleged offender on the complaint upon which the
order is based.

(F) A person who meets the criteria for bail under
Criminal Rule 46 and who, if required to do so pursuant to that

rule, executes or posts bond or deposits cash or securities as 580
bail, shall not be held in custody pending a hearing before the 581
court on a motion requesting a protection order under this 582
section. 583

(G)(1) A copy of a protection order that is issued under 584
this section shall be issued by the court to the complainant, to 585
the alleged victim, to the person who requested the order, to 586
the defendant, and to all law enforcement agencies that have 587
jurisdiction to enforce the order. The protection order shall be 588
in a form that ensures that the protection order is accepted 589
into the protection order database of the national crime 590
information center (NCIC) maintained by the federal bureau of 591
investigation. The court shall direct that a copy of the order 592
be delivered to the defendant on the same day that the order is 593
entered. If a municipal court or a county court issues a 594
protection order under this section and if, subsequent to the 595
issuance of the order, the defendant who is the subject of the 596
order is bound over to the court of common pleas for prosecution 597
as described in division (D)(3) of this section, the municipal 598
court or county court shall direct that a copy of the order be 599
delivered to the court of common pleas to which the defendant is 600
bound over. If the court that issued the order, or the court of 601
common pleas if the defendant is bound over to that court for 602
prosecution, terminates or cancels the order, the court shall 603
cause the delivery of notice of the termination or cancellation 604
to the same persons and entities that were issued or delivered a 605
copy of the order. 606

(2) All law enforcement agencies shall establish and 607
maintain an index for the protection orders delivered to the 608
agencies pursuant to division (G)(1) of this section. With 609
respect to each order delivered, each agency shall note on the 610

index the date and time of the agency's receipt of the order. 611
Each protection order received by a law enforcement agency 612
pursuant to this section shall be entered by the agency into the 613
law enforcement automated data system created by section 5503.10 614
of the Revised Code, and known as LEADS, within twenty-four 615
hours after receipt. Upon the termination or cancellation of the 616
order, the agency shall take all steps necessary to ensure that 617
the order is removed from LEADS within twenty-four hours after 618
receipt of notice of the termination or cancellation and that it 619
is terminated, cleared, or canceled in the protection order 620
database of the national crime information center (NCIC) 621
maintained by the federal bureau of investigation. 622

(3) Regardless of whether the petitioner has registered 623
the protection order in the county in which the officer's agency 624
has jurisdiction, any officer of a law enforcement agency shall 625
enforce a protection order issued pursuant to this section in 626
accordance with the provisions of the order. 627

(H) Upon a violation of a protection order issued pursuant 628
to this section, the court may issue another protection order 629
under this section, as a pretrial condition of release, that 630
modifies the terms of the order that was violated. 631

(I)(1) Subject to division (I)(2) of this section and 632
regardless of whether a protection order is issued or a consent 633
agreement is approved by a court of another county or by a court 634
of another state, no court or unit of state or local government 635
shall charge the movant any fee, cost, deposit, or money in 636
connection with the filing of a motion pursuant to this section, 637
in connection with the filing, issuance, registration, 638
modification, enforcement, dismissal, withdrawal, or service of 639
a protection order, consent agreement, or witness subpoena or 640

for obtaining certified copies of a protection order or consent
agreement.

(2) Regardless of whether a protection order is issued or
a consent agreement is approved pursuant to this section, if the
defendant is convicted the court may assess costs against the
defendant in connection with the filing, issuance, registration,
modification, enforcement, dismissal, withdrawal, or service of
a protection order, consent agreement, or witness subpoena or
for obtaining a certified copy of a protection order or consent
agreement.

(J) As used in this section:

(1) "Sexually oriented offense" has the same meaning as in
section 2950.01 of the Revised Code.

(2) "Companion animal" has the same meaning as in section
959.131 of the Revised Code.

(3) "Expunge" means to destroy, delete, and erase a
record, as appropriate for the record's physical or electronic
form or characteristic, so that the record is permanently
irretrievable.

Sec. 2903.214. (A) As used in this section:

(1) "Court" means the court of common pleas of the county
in which the person to be protected by the protection order
resides.

(2) "Victim advocate" means a person who provides support
and assistance for a person who files a petition under this
section.

(3) "Family or household member" has the same meaning as
in section 3113.31 of the Revised Code.

(4) "Protection order issued by a court of another state"	669
has the same meaning as in section 2919.27 of the Revised Code.	670
(5) "Sexually oriented offense" has the same meaning as in	671
section 2950.01 of the Revised Code.	672
(6) "Electronic monitoring" has the same meaning as in	673
section 2929.01 of the Revised Code.	674
(7) "Companion animal" has the same meaning as in section	675
959.131 of the Revised Code.	676
(8) "Expunge" has the same meaning as in section 2903.213	677
of the Revised Code.	678
(B) The court has jurisdiction over all proceedings under	679
this section.	680
(C) A person may seek relief under this section for the	681
person, or any parent or adult household member may seek relief	682
under this section on behalf of any other family or household	683
member, by filing a petition with the court. The petition shall	684
contain or state all of the following:	685
(1) An allegation that the respondent is eighteen years of	686
age or older and engaged in a violation of section 2903.211 of	687
the Revised Code against the person to be protected by the	688
protection order or committed a sexually oriented offense	689
against the person to be protected by the protection order,	690
including a description of the nature and extent of the	691
violation;	692
(2) If the petitioner seeks relief in the form of	693
electronic monitoring of the respondent, an allegation that at	694
any time preceding the filing of the petition the respondent	695
engaged in conduct that would cause a reasonable person to	696

believe that the health, welfare, or safety of the person to be
protected was at risk, a description of the nature and extent of
that conduct, and an allegation that the respondent presents a
continuing danger to the person to be protected;

(3) A request for relief under this section.

(D)(1) If a person who files a petition pursuant to this
section requests an ex parte order, the court shall hold an ex
parte hearing as soon as possible after the petition is filed,
but not later than the next day that the court is in session
after the petition is filed. The court, for good cause shown at
the ex parte hearing, may enter any temporary orders, with or
without bond, that the court finds necessary for the safety and
protection of the person to be protected by the order. Immediate
and present danger to the person to be protected by the
protection order constitutes good cause for purposes of this
section. Immediate and present danger includes, but is not
limited to, situations in which the respondent has threatened
the person to be protected by the protection order with bodily
harm or in which the respondent previously has been convicted of
or pleaded guilty to a violation of section 2903.211 of the
Revised Code or a sexually oriented offense against the person
to be protected by the protection order.

(2)(a) If the court, after an ex parte hearing, issues a
protection order described in division (E) of this section, the
court shall schedule a full hearing for a date that is within
ten court days after the ex parte hearing. The court shall give
the respondent notice of, and an opportunity to be heard at, the
full hearing. The court shall hold the full hearing on the date
scheduled under this division unless the court grants a
continuance of the hearing in accordance with this division.

Under any of the following circumstances or for any of the 727
following reasons, the court may grant a continuance of the full 728
hearing to a reasonable time determined by the court: 729

(i) Prior to the date scheduled for the full hearing under 730
this division, the respondent has not been served with the 731
petition filed pursuant to this section and notice of the full 732
hearing. 733

(ii) The parties consent to the continuance. 734

(iii) The continuance is needed to allow a party to obtain 735
counsel. 736

(iv) The continuance is needed for other good cause. 737

(b) An ex parte order issued under this section does not 738
expire because of a failure to serve notice of the full hearing 739
upon the respondent before the date set for the full hearing 740
under division (D)(2)(a) of this section or because the court 741
grants a continuance under that division. 742

(3) If a person who files a petition pursuant to this 743
section does not request an ex parte order, or if a person 744
requests an ex parte order but the court does not issue an ex 745
parte order after an ex parte hearing, the court shall proceed 746
as in a normal civil action and grant a full hearing on the 747
matter. 748

(E)(1)(a) After an ex parte or full hearing, the court may 749
issue any protection order, with or without bond, that contains 750
terms designed to ensure the safety and protection of the person 751
to be protected by the protection order, including, but not 752
limited to, a requirement that the respondent refrain from 753
entering the residence, school, business, or place of employment 754
of the petitioner or family or household member. If the court 755

includes a requirement that the respondent refrain from entering 756
the residence, school, business, or place of employment of the 757
petitioner or family or household member in the order, it also 758
shall include in the order provisions of the type described in 759
division (E)(5) of this section. The court may include within a 760
protection order issued under this section a term requiring that 761
the respondent not remove, damage, hide, harm, or dispose of any 762
companion animal owned or possessed by the person to be 763
protected by the order, and may include within the order a term 764
authorizing the person to be protected by the order to remove a 765
companion animal owned by the person to be protected by the 766
order from the possession of the respondent. 767

(b) After a full hearing, if the court considering a 768
petition that includes an allegation of the type described in 769
division (C)(2) of this section, or the court upon its own 770
motion, finds upon clear and convincing evidence that the 771
petitioner reasonably believed that the respondent's conduct at 772
any time preceding the filing of the petition endangered the 773
health, welfare, or safety of the person to be protected and 774
that the respondent presents a continuing danger to the person 775
to be protected, the court may order that the respondent be 776
electronically monitored for a period of time and under the 777
terms and conditions that the court determines are appropriate. 778
Electronic monitoring shall be in addition to any other relief 779
granted to the petitioner. 780

(2)(a) Any protection order issued pursuant to this 781
section shall be valid until a date certain but not later than 782
five years from the date of its issuance. 783

(b) Any protection order issued pursuant to this section 784
may be renewed in the same manner as the original order was 785

issued. 786

(3) A court may not issue a protection order that requires 787
a petitioner to do or to refrain from doing an act that the 788
court may require a respondent to do or to refrain from doing 789
under division (E)(1) of this section unless all of the 790
following apply: 791

(a) The respondent files a separate petition for a 792
protection order in accordance with this section. 793

(b) The petitioner is served with notice of the 794
respondent's petition at least forty-eight hours before the 795
court holds a hearing with respect to the respondent's petition, 796
or the petitioner waives the right to receive this notice. 797

(c) If the petitioner has requested an ex parte order 798
pursuant to division (D) of this section, the court does not 799
delay any hearing required by that division beyond the time 800
specified in that division in order to consolidate the hearing 801
with a hearing on the petition filed by the respondent. 802

(d) After a full hearing at which the respondent presents 803
evidence in support of the request for a protection order and 804
the petitioner is afforded an opportunity to defend against that 805
evidence, the court determines that the petitioner has committed 806
a violation of section 2903.211 of the Revised Code against the 807
person to be protected by the protection order issued pursuant 808
to division (E)(3) of this section, has committed a sexually 809
oriented offense against the person to be protected by the 810
protection order issued pursuant to division (E)(3) of this 811
section, or has violated a protection order issued pursuant to 812
section 2903.213 of the Revised Code relative to the person to 813
be protected by the protection order issued pursuant to division 814

(E) (3) of this section.

815

(4) No protection order issued pursuant to this section shall in any manner affect title to any real property.

816

817

(5) (a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the petitioner or family or household member.

818

819

820

821

822

823

824

825

826

827

(b) Division (E) (5) (a) of this section does not limit any discretion of a court to determine that an alleged offender charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued under this section, did not commit the violation or was not in contempt of court.

828

829

830

831

832

833

834

835

(F) (1) The court shall cause the delivery of a copy of any protection order that is issued under this section to the petitioner, to the respondent, and to all law enforcement agencies that have jurisdiction to enforce the order. The protection order shall be in a form that ensures that the protection order is accepted into the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation. The court shall direct that a copy of the order be delivered to the respondent on the same

836

837

838

839

840

841

842

843

844

day that the order is entered. If the court terminates or
cancels the order, the court shall cause the delivery of notice
of the termination or cancellation to the same persons and
entities that were delivered a copy of the order.

(2) Upon the issuance of a protection order under this
section, the court shall provide the parties to the order with
the following notice orally or by form:

"NOTICE

As a result of this order, it may be unlawful for you to
possess or purchase a firearm, including a rifle, pistol, or
revolver, or ammunition pursuant to federal law under 18 U.S.C.
922(g)(8). If you have any questions whether this law makes it
illegal for you to possess or purchase a firearm or ammunition,
you should consult an attorney."

(3) All law enforcement agencies shall establish and
maintain an index for the protection orders delivered to the
agencies pursuant to division (F)(1) of this section. With
respect to each order delivered, each agency shall note on the
index the date and time that it received the order. Each
protection order received by a law enforcement agency pursuant
to this section shall be entered by the agency into the law
enforcement automated data system created by section 5503.10 of
the Revised Code, and known as LEADS, within twenty-four hours
after receipt. Upon the termination or cancellation of the
order, the agency shall take all steps necessary to ensure that
the order is removed from LEADS within twenty-four hours after
receipt of notice of the termination or cancellation and that it
is terminated, cleared, or canceled in the protection order
database of the national crime information center (NCIC)
maintained by the federal bureau of investigation.

(4) Regardless of whether the petitioner has registered 875
the protection order in the county in which the officer's agency 876
has jurisdiction pursuant to division (M) of this section, any 877
officer of a law enforcement agency shall enforce a protection 878
order issued pursuant to this section by any court in this state 879
in accordance with the provisions of the order, including 880
removing the respondent from the premises, if appropriate. 881

(G)(1) Any proceeding under this section shall be 882
conducted in accordance with the Rules of Civil Procedure, 883
except that a protection order may be obtained under this 884
section with or without bond. An order issued under this 885
section, other than an ex parte order, that grants a protection 886
order, or that refuses to grant a protection order, is a final, 887
appealable order. The remedies and procedures provided in this 888
section are in addition to, and not in lieu of, any other 889
available civil or criminal remedies. 890

(2) If as provided in division (G)(1) of this section an 891
order issued under this section, other than an ex parte order, 892
refuses to grant a protection order, the court, on its own 893
motion, shall order that the ex parte order issued under this 894
section and all of the records pertaining to that ex parte order 895
be expunged after either of the following occurs: 896

(a) The period of the notice of appeal from the order that 897
refuses to grant a protection order has expired. 898

(b) The order that refuses to grant the protection order 899
is appealed and an appellate court to which the last appeal of 900
that order is taken affirms the order. 901

(H) The filing of proceedings under this section does not 902
excuse a person from filing any report or giving any notice 903

required by section 2151.421 of the Revised Code or by any other 904
law. 905

(I) Any law enforcement agency that investigates an 906
alleged violation of section 2903.211 of the Revised Code or an 907
alleged commission of a sexually oriented offense shall provide 908
information to the victim and the family or household members of 909
the victim regarding the relief available under this section and 910
section 2903.213 of the Revised Code. 911

(J) (1) Subject to division (J) (2) of this section and 912
regardless of whether a protection order is issued or a consent 913
agreement is approved by a court of another county or by a court 914
of another state, no court or unit of state or local government 915
shall charge the petitioner any fee, cost, deposit, or money in 916
connection with the filing of a petition pursuant to this 917
section, in connection with the filing, issuance, registration, 918
modification, enforcement, dismissal, withdrawal, or service of 919
a protection order, consent agreement, or witness subpoena or 920
for obtaining a certified copy of a protection order or consent 921
agreement. 922

(2) Regardless of whether a protection order is issued or 923
a consent agreement is approved pursuant to this section, the 924
court may assess costs against the respondent in connection with 925
the filing, issuance, registration, modification, enforcement, 926
dismissal, withdrawal, or service of a protection order, consent 927
agreement, or witness subpoena or for obtaining a certified copy 928
of a protection order or consent agreement. 929

(K) (1) A person who violates a protection order issued 930
under this section is subject to the following sanctions: 931

(a) Criminal prosecution for a violation of section 932

2919.27 of the Revised Code, if the violation of the protection 933
order constitutes a violation of that section; 934

(b) Punishment for contempt of court. 935

(2) The punishment of a person for contempt of court for 936
violation of a protection order issued under this section does 937
not bar criminal prosecution of the person for a violation of 938
section 2919.27 of the Revised Code. However, a person punished 939
for contempt of court is entitled to credit for the punishment 940
imposed upon conviction of a violation of that section, and a 941
person convicted of a violation of that section shall not 942
subsequently be punished for contempt of court arising out of 943
the same activity. 944

(L) In all stages of a proceeding under this section, a 945
petitioner may be accompanied by a victim advocate. 946

(M) (1) A petitioner who obtains a protection order under 947
this section or a protection order under section 2903.213 of the 948
Revised Code may provide notice of the issuance or approval of 949
the order to the judicial and law enforcement officials in any 950
county other than the county in which the order is issued by 951
registering that order in the other county pursuant to division 952
(M) (2) of this section and filing a copy of the registered order 953
with a law enforcement agency in the other county in accordance 954
with that division. A person who obtains a protection order 955
issued by a court of another state may provide notice of the 956
issuance of the order to the judicial and law enforcement 957
officials in any county of this state by registering the order 958
in that county pursuant to section 2919.272 of the Revised Code 959
and filing a copy of the registered order with a law enforcement 960
agency in that county. 961

(2) A petitioner may register a protection order issued 962
pursuant to this section or section 2903.213 of the Revised Code 963
in a county other than the county in which the court that issued 964
the order is located in the following manner: 965

(a) The petitioner shall obtain a certified copy of the 966
order from the clerk of the court that issued the order and 967
present that certified copy to the clerk of the court of common 968
pleas or the clerk of a municipal court or county court in the 969
county in which the order is to be registered. 970

(b) Upon accepting the certified copy of the order for 971
registration, the clerk of the court of common pleas, municipal 972
court, or county court shall place an endorsement of 973
registration on the order and give the petitioner a copy of the 974
order that bears that proof of registration. 975

(3) The clerk of each court of common pleas, municipal 976
court, or county court shall maintain a registry of certified 977
copies of protection orders that have been issued by courts in 978
other counties pursuant to this section or section 2903.213 of 979
the Revised Code and that have been registered with the clerk. 980

(N)(1) If the court orders electronic monitoring of the 981
respondent under this section, the court shall direct the 982
sheriff's office or any other appropriate law enforcement agency 983
to install the electronic monitoring device and to monitor the 984
respondent. Unless the court determines that the respondent is 985
indigent, the court shall order the respondent to pay the cost 986
of the installation and monitoring of the electronic monitoring 987
device. If the court determines that the respondent is indigent 988
and subject to the maximum amount allowable to be paid in any 989
year from the fund and the rules promulgated by the attorney 990
general under division (N)(2) of this section, the cost of the 991

installation and monitoring of the electronic monitoring device 992
may be paid out of funds from the reparations fund created 993
pursuant to section 2743.191 of the Revised Code. The total 994
amount of costs for the installation and monitoring of 995
electronic monitoring devices paid pursuant to this division and 996
sections 2151.34 and 2919.27 of the Revised Code from the 997
reparations fund shall not exceed three hundred thousand dollars 998
per year. 999

(2) The attorney general may promulgate rules pursuant to 1000
section 111.15 of the Revised Code to govern payments made from 1001
the reparations fund pursuant to this division and sections 1002
2151.34 and 2919.27 of the Revised Code. The rules may include 1003
reasonable limits on the total cost paid pursuant to this 1004
division and sections 2151.34 and 2919.27 of the Revised Code 1005
per respondent, the amount of the three hundred thousand dollars 1006
allocated to each county, and how invoices may be submitted by a 1007
county, court, or other entity. 1008

Sec. 2919.26. (A) (1) Upon the filing of a complaint that 1009
alleges a violation of section 2909.06, 2909.07, 2911.12, or 1010
2911.211 of the Revised Code if the alleged victim of the 1011
violation was a family or household member at the time of the 1012
violation, a violation of a municipal ordinance that is 1013
substantially similar to any of those sections if the alleged 1014
victim of the violation was a family or household member at the 1015
time of the violation, any offense of violence if the alleged 1016
victim of the offense was a family or household member at the 1017
time of the commission of the offense, or any sexually oriented 1018
offense if the alleged victim of the offense was a family or 1019
household member at the time of the commission of the offense, 1020
the complainant, the alleged victim, or a family or household 1021
member of an alleged victim may file, or, if in an emergency the 1022

alleged victim is unable to file, a person who made an arrest 1023
for the alleged violation or offense under section 2935.03 of 1024
the Revised Code may file on behalf of the alleged victim, a 1025
motion that requests the issuance of a temporary protection 1026
order as a pretrial condition of release of the alleged 1027
offender, in addition to any bail set under Criminal Rule 46. 1028
The motion shall be filed with the clerk of the court that has 1029
jurisdiction of the case at any time after the filing of the 1030
complaint. 1031

(2) For purposes of section 2930.09 of the Revised Code, 1032
all stages of a proceeding arising out of a complaint alleging 1033
the commission of a violation, offense of violence, or sexually 1034
oriented offense described in division (A)(1) of this section, 1035
including all proceedings on a motion for a temporary protection 1036
order, are critical stages of the case, and a victim may be 1037
accompanied by a victim advocate or another person to provide 1038
support to the victim as provided in that section. 1039

(B) The motion shall be prepared on a form that is 1040
provided by the clerk of the court, which form shall be 1041
substantially as follows: 1042

"MOTION FOR TEMPORARY PROTECTION ORDER 1043

..... Court 1044

Name and address of court 1045

State of Ohio 1046

v. No. 1047

..... 1048

Name of Defendant 1049

(name of person), moves the court to issue a temporary 1050
protection order containing terms designed to ensure the safety 1051
and protection of the complainant, alleged victim, and other 1052
family or household members, in relation to the named defendant, 1053
pursuant to its authority to issue such an order under section 1054
2919.26 of the Revised Code. 1055

A complaint, a copy of which has been attached to this 1056
motion, has been filed in this court charging the named 1057
defendant with (name of the specified 1058
violation, the offense of violence, or sexually oriented offense 1059
charged) in circumstances in which the victim was a family or 1060
household member in violation of (section of the Revised Code 1061
designating the specified violation, offense of violence, or 1062
sexually oriented offense charged), or charging the named 1063
defendant with a violation of a municipal ordinance that is 1064
substantially similar to (section of 1065
the Revised Code designating the specified violation, offense of 1066
violence, or sexually oriented offense charged) involving a 1067
family or household member. 1068

I understand that I must appear before the court, at a 1069
time set by the court within twenty-four hours after the filing 1070
of this motion, for a hearing on the motion or that, if I am 1071
unable to appear because of hospitalization or a medical 1072
condition resulting from the offense alleged in the complaint, a 1073
person who can provide information about my need for a temporary 1074
protection order must appear before the court in lieu of my 1075
appearing in court. I understand that any temporary protection 1076
order granted pursuant to this motion is a pretrial condition of 1077
release and is effective only until the disposition of the 1078
criminal proceeding arising out of the attached complaint, or 1079
the issuance of a civil protection order or the approval of a 1080

consent agreement, arising out of the same activities as those 1081
that were the basis of the complaint, under section 3113.31 of 1082
the Revised Code. 1083

..... 1084

Signature of person 1085

(or signature of the arresting officer who filed the 1086
motion on behalf of the alleged victim) 1087

..... 1088

Address of person (or office address of the arresting 1089
officer who filed the motion on behalf of the alleged victim)" 1090

(C)(1) As soon as possible after the filing of a motion 1091
that requests the issuance of a temporary protection order, but 1092
not later than twenty-four hours after the filing of the motion, 1093
the court shall conduct a hearing to determine whether to issue 1094
the order. The person who requested the order shall appear 1095
before the court and provide the court with the information that 1096
it requests concerning the basis of the motion. If the person 1097
who requested the order is unable to appear and if the court 1098
finds that the failure to appear is because of the person's 1099
hospitalization or medical condition resulting from the offense 1100
alleged in the complaint, another person who is able to provide 1101
the court with the information it requests may appear in lieu of 1102
the person who requested the order. If the court finds that the 1103
safety and protection of the complainant, alleged victim, or any 1104
other family or household member of the alleged victim may be 1105
impaired by the continued presence of the alleged offender, the 1106
court may issue a temporary protection order, as a pretrial 1107
condition of release, that contains terms designed to ensure the 1108
safety and protection of the complainant, alleged victim, or the 1109

family or household member, including a requirement that the 1110
alleged offender refrain from entering the residence, school, 1111
business, or place of employment of the complainant, alleged 1112
victim, or the family or household member. The court may include 1113
within a protection order issued under this section a term 1114
requiring that the alleged offender not remove, damage, hide, 1115
harm, or dispose of any companion animal owned or possessed by 1116
the complainant, alleged victim, or any other family or 1117
household member of the alleged victim, and may include within 1118
the order a term authorizing the complainant, alleged victim, or 1119
other family or household member of the alleged victim to remove 1120
a companion animal owned by the complainant, alleged victim, or 1121
other family or household member from the possession of the 1122
alleged offender. 1123

(2)(a) If the court issues a temporary protection order 1124
that includes a requirement that the alleged offender refrain 1125
from entering the residence, school, business, or place of 1126
employment of the complainant, the alleged victim, or the family 1127
or household member, the order shall state clearly that the 1128
order cannot be waived or nullified by an invitation to the 1129
alleged offender from the complainant, alleged victim, or family 1130
or household member to enter the residence, school, business, or 1131
place of employment or by the alleged offender's entry into one 1132
of those places otherwise upon the consent of the complainant, 1133
alleged victim, or family or household member. 1134

(b) Division (C)(2)(a) of this section does not limit any 1135
discretion of a court to determine that an alleged offender 1136
charged with a violation of section 2919.27 of the Revised Code, 1137
with a violation of a municipal ordinance substantially 1138
equivalent to that section, or with contempt of court, which 1139
charge is based on an alleged violation of a temporary 1140

protection order issued under this section, did not commit the 1141
violation or was not in contempt of court. 1142

(D)(1) Upon the filing of a complaint that alleges a 1143
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of 1144
the Revised Code if the alleged victim of the violation was a 1145
family or household member at the time of the violation, a 1146
violation of a municipal ordinance that is substantially similar 1147
to any of those sections if the alleged victim of the violation 1148
was a family or household member at the time of the violation, 1149
any offense of violence if the alleged victim of the offense was 1150
a family or household member at the time of the commission of 1151
the offense, or any sexually oriented offense if the alleged 1152
victim of the offense was a family or household member at the 1153
time of the commission of the offense, the court, upon its own 1154
motion, may issue a temporary protection order as a pretrial 1155
condition of release if it finds that the safety and protection 1156
of the complainant, alleged victim, or other family or household 1157
member of the alleged offender may be impaired by the continued 1158
presence of the alleged offender. 1159

(2)(a) If the court issues a temporary protection order 1160
under this section as an ex parte order, it shall conduct, as 1161
soon as possible after the issuance of the order, a hearing in 1162
the presence of the alleged offender not later than the next day 1163
on which the court is scheduled to conduct business after the 1164
day on which the alleged offender was arrested or at the time of 1165
the appearance of the alleged offender pursuant to summons to 1166
determine whether the order should remain in effect, be 1167
modified, or be revoked. The hearing shall be conducted under 1168
the standards set forth in division (C) of this section. 1169

(b) If at a hearing conducted under division (D)(2)(a) of 1170

this section the court determines that the ex parte order that 1171
the court issued should be revoked, the court, on its own 1172
motion, shall order that the ex parte order that is revoked and 1173
all of the records pertaining to that ex parte order be 1174
expunged. 1175

(3) An order issued under this section shall contain only 1176
those terms authorized in orders issued under division (C) of 1177
this section. 1178

(4) If a municipal court or a county court issues a 1179
temporary protection order under this section and if, subsequent 1180
to the issuance of the order, the alleged offender who is the 1181
subject of the order is bound over to the court of common pleas 1182
for prosecution of a felony arising out of the same activities 1183
as those that were the basis of the complaint upon which the 1184
order is based, notwithstanding the fact that the order was 1185
issued by a municipal court or county court, the order shall 1186
remain in effect, as though it were an order of the court of 1187
common pleas, while the charges against the alleged offender are 1188
pending in the court of common pleas, for the period of time 1189
described in division (E) (2) of this section, and the court of 1190
common pleas has exclusive jurisdiction to modify the order 1191
issued by the municipal court or county court. This division 1192
applies when the alleged offender is bound over to the court of 1193
common pleas as a result of the person waiving a preliminary 1194
hearing on the felony charge, as a result of the municipal court 1195
or county court having determined at a preliminary hearing that 1196
there is probable cause to believe that the felony has been 1197
committed and that the alleged offender committed it, as a 1198
result of the alleged offender having been indicted for the 1199
felony, or in any other manner. 1200

(E) A temporary protection order that is issued as a 1201
pretrial condition of release under this section: 1202

(1) Is in addition to, but shall not be construed as a 1203
part of, any bail set under Criminal Rule 46; 1204

(2) Is effective only until the occurrence of either of 1205
the following: 1206

(a) The disposition, by the court that issued the order 1207
or, in the circumstances described in division (D)(4) of this 1208
section, by the court of common pleas to which the alleged 1209
offender is bound over for prosecution, of the criminal 1210
proceeding arising out of the complaint upon which the order is 1211
based; 1212

(b) The issuance of a protection order or the approval of 1213
a consent agreement, arising out of the same activities as those 1214
that were the basis of the complaint upon which the order is 1215
based, under section 3113.31 of the Revised Code. 1216

(3) Shall not be construed as a finding that the alleged 1217
offender committed the alleged offense, and shall not be 1218
introduced as evidence of the commission of the offense at the 1219
trial of the alleged offender on the complaint upon which the 1220
order is based. 1221

(F) A person who meets the criteria for bail under 1222
Criminal Rule 46 and who, if required to do so pursuant to that 1223
rule, executes or posts bond or deposits cash or securities as 1224
bail, shall not be held in custody pending a hearing before the 1225
court on a motion requesting a temporary protection order. 1226

(G)(1) A copy of any temporary protection order that is 1227
issued under this section shall be issued by the court to the 1228
complainant, to the alleged victim, to the person who requested 1229

the order, to the defendant, and to all law enforcement agencies 1230
that have jurisdiction to enforce the order. The protection 1231
order shall be in a form that ensures that the protection order 1232
is accepted into the protection order database of the national 1233
crime information center (NCIC) maintained by the federal bureau 1234
of investigation. The court shall direct that a copy of the 1235
order be delivered to the defendant on the same day that the 1236
order is entered. If a municipal court or a county court issues 1237
a temporary protection order under this section and if, 1238
subsequent to the issuance of the order, the defendant who is 1239
the subject of the order is bound over to the court of common 1240
pleas for prosecution as described in division (D)(4) of this 1241
section, the municipal court or county court shall direct that a 1242
copy of the order be delivered to the court of common pleas to 1243
which the defendant is bound over. If the court that issued the 1244
order, or the court of common pleas if the defendant is bound 1245
over to that court for prosecution, terminates or cancels the 1246
order, the court shall cause the delivery of notice of the 1247
termination or cancellation to the same persons and entities 1248
that were issued or delivered a copy of the order. 1249

(2) Upon the issuance of a protection order under this 1250
section, the court shall provide the parties to the order with 1251
the following notice orally or by form: 1252

"NOTICE 1253

As a result of this protection order, it may be unlawful 1254
for you to possess or purchase a firearm, including a rifle, 1255
pistol, or revolver, or ammunition pursuant to federal law under 1256
18 U.S.C. 922(g)(8). If you have any questions whether this law 1257
makes it illegal for you to possess or purchase a firearm or 1258
ammunition, you should consult an attorney." 1259

(3) All law enforcement agencies shall establish and maintain an index for the temporary protection orders delivered to the agencies pursuant to division (G)(1) of this section. With respect to each order delivered, each agency shall note on the index, the date and time of the receipt of the order by the agency. Each protection order received by a law enforcement agency pursuant to this section shall be entered by the agency into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, within twenty-four hours after receipt. Upon the termination or cancellation of the order, the agency shall take all steps necessary to ensure that the order is removed from LEADS within twenty-four hours after receipt of notice of the termination or cancellation and that it is terminated, cleared, or canceled in the protection order database of the national crime information center (NCIC) maintained by the federal bureau of investigation.

(4) A complainant, alleged victim, or other person who obtains a temporary protection order under this section may provide notice of the issuance of the temporary protection order to the judicial and law enforcement officials in any county other than the county in which the order is issued by registering that order in the other county in accordance with division (N) of section 3113.31 of the Revised Code and filing a copy of the registered protection order with a law enforcement agency in the other county in accordance with that division.

(5) Any officer of a law enforcement agency shall enforce a temporary protection order issued by any court in this state in accordance with the provisions of the order, including removing the defendant from the premises, regardless of whether the order is registered in the county in which the officer's agency has jurisdiction as authorized by division (G)(4) of this

section. 1291

(H) Upon a violation of a temporary protection order, the 1292
court may issue another temporary protection order, as a 1293
pretrial condition of release, that modifies the terms of the 1294
order that was violated. 1295

(I)(1) As used in divisions (I)(1) and (2) of this 1296
section, "defendant" means a person who is alleged in a 1297
complaint to have committed a violation, offense of violence, or 1298
sexually oriented offense of the type described in division (A) 1299
of this section. 1300

(2) If a complaint is filed that alleges that a person 1301
committed a violation, offense of violence, or sexually oriented 1302
offense of the type described in division (A) of this section, 1303
the court may not issue a temporary protection order under this 1304
section that requires the complainant, the alleged victim, or 1305
another family or household member of the defendant to do or 1306
refrain from doing an act that the court may require the 1307
defendant to do or refrain from doing under a temporary 1308
protection order unless both of the following apply: 1309

(a) The defendant has filed a separate complaint that 1310
alleges that the complainant, alleged victim, or other family or 1311
household member in question who would be required under the 1312
order to do or refrain from doing the act committed a violation 1313
or offense of violence of the type described in division (A) of 1314
this section. 1315

(b) The court determines that both the complainant, 1316
alleged victim, or other family or household member in question 1317
who would be required under the order to do or refrain from 1318
doing the act and the defendant acted primarily as aggressors, 1319

that neither the complainant, alleged victim, or other family or 1320
household member in question who would be required under the 1321
order to do or refrain from doing the act nor the defendant 1322
acted primarily in self-defense, and, in accordance with the 1323
standards and criteria of this section as applied in relation to 1324
the separate complaint filed by the defendant, that it should 1325
issue the order to require the complainant, alleged victim, or 1326
other family or household member in question to do or refrain 1327
from doing the act. 1328

(J) (1) Subject to division (J) (2) of this section and 1329
regardless of whether a protection order is issued or a consent 1330
agreement is approved by a court of another county or a court of 1331
another state, no court or unit of state or local government 1332
shall charge the movant any fee, cost, deposit, or money in 1333
connection with the filing of a motion pursuant to this section, 1334
in connection with the filing, issuance, registration, 1335
modification, enforcement, dismissal, withdrawal, or service of 1336
a protection order, consent agreement, or witness subpoena or 1337
for obtaining a certified copy of a protection order or consent 1338
agreement. 1339

(2) Regardless of whether a protection order is issued or 1340
a consent agreement is approved pursuant to this section, if the 1341
defendant is convicted the court may assess costs against the 1342
defendant in connection with the filing, issuance, registration, 1343
modification, enforcement, dismissal, withdrawal, or service of 1344
a protection order, consent agreement, or witness subpoena or 1345
for obtaining a certified copy of a protection order or consent 1346
agreement. 1347

(K) As used in this section: 1348

(1) "Companion animal" has the same meaning as in section 1349

959.131 of the Revised Code. 1350

(2) "Sexually oriented offense" has the same meaning as in 1351
section 2950.01 of the Revised Code. 1352

(3) "Victim advocate" means a person who provides support 1353
and assistance for a victim of an offense during court 1354
proceedings. 1355

(4) "Expunge" has the same meaning as in section 2903.213 1356
of the Revised Code. 1357

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of 1358
the Revised Code: 1359

(A) "Deadly weapon" means any instrument, device, or thing 1360
capable of inflicting death, and designed or specially adapted 1361
for use as a weapon, or possessed, carried, or used as a weapon. 1362

(B)(1) "Firearm" means any deadly weapon capable of 1363
expelling or propelling one or more projectiles by the action of 1364
an explosive or combustible propellant. "Firearm" includes an 1365
unloaded firearm, and any firearm that is inoperable but that 1366
can readily be rendered operable. 1367

(2) When determining whether a firearm is capable of 1368
expelling or propelling one or more projectiles by the action of 1369
an explosive or combustible propellant, the trier of fact may 1370
rely upon circumstantial evidence, including, but not limited 1371
to, the representations and actions of the individual exercising 1372
control over the firearm. 1373

(C) "Handgun" means any of the following: 1374

(1) Any firearm that has a short stock and is designed to 1375
be held and fired by the use of a single hand; 1376

(2) Any combination of parts from which a firearm of a 1377
type described in division (C)(1) of this section can be 1378
assembled. 1379

(D) "Semi-automatic firearm" means any firearm designed or 1380
specially adapted to fire a single cartridge and automatically 1381
chamber a succeeding cartridge ready to fire, with a single 1382
function of the trigger. 1383

(E) "Automatic firearm" means any of the following: 1384

(1) Any firearm designed or specially adapted to fire a 1385
succession of cartridges with a single function of the trigger; 1386

(2) Any device that is a "machine gun," as defined 1387
pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 1388
U.S.C. 921(a)(23), as amended, and regulations issued under that 1389
act or the "National Firearms Act of 1934," 48 Stat. 1236, 26 1390
U.S.C. 5845(b), as amended, and regulations issued under that 1391
act. 1392

(F) "Sawed-off firearm" means a shotgun with a barrel less 1393
than eighteen inches long, or a rifle with a barrel less than 1394
sixteen inches long, or a shotgun or rifle less than twenty-six 1395
inches long overall. 1396

(G) "Zip-gun" means any of the following: 1397

(1) Any firearm of crude and extemporized manufacture; 1398

(2) Any device, including without limitation a starter's 1399
pistol, that is not designed as a firearm, but that is specially 1400
adapted for use as a firearm; 1401

(3) Any industrial tool, ~~signalling~~ signaling device, or 1402
safety device, that is not designed as a firearm, but that as 1403
designed is capable of use as such, when possessed, carried, or 1404

used as a firearm. 1405

(H) "Explosive device" means any device designed or 1406
specially adapted to cause physical harm to persons or property 1407
by means of an explosion, and consisting of an explosive 1408
substance or agency and a means to detonate it. "Explosive 1409
device" includes without limitation any bomb, any explosive 1410
demolition device, any blasting cap or detonator containing an 1411
explosive charge, and any pressure vessel that has been 1412
knowingly tampered with or arranged so as to explode. 1413

(I) "Incendiary device" means any firebomb, and any device 1414
designed or specially adapted to cause physical harm to persons 1415
or property by means of fire, and consisting of an incendiary 1416
substance or agency and a means to ignite it. 1417

(J) "Ballistic knife" means a knife with a detachable 1418
blade that is propelled by a spring-operated mechanism. 1419

(K) "Dangerous ordnance" means any of the following, 1420
except as provided in division (L) of this section: 1421

(1) Any automatic or sawed-off firearm, zip-gun, or 1422
ballistic knife; 1423

(2) Any explosive device or incendiary device; 1424

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, 1425
cyclonite, TNT, picric acid, and other high explosives; amatol, 1426
tritonite, tetrytol, pentolite, pectretol, cyclotol, and other 1427
high explosive compositions; plastic explosives; dynamite, 1428
blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, 1429
liquid-oxygen blasting explosives, blasting powder, and other 1430
blasting agents; and any other explosive substance having 1431
sufficient brisance or power to be particularly suitable for use 1432
as a military explosive, or for use in mining, quarrying, 1433

excavating, or demolitions; 1434

(4) Any firearm, rocket launcher, mortar, artillery piece, 1435
grenade, mine, bomb, torpedo, or similar weapon, designed and 1436
manufactured for military purposes, and the ammunition for that 1437
weapon; 1438

(5) Any firearm muffler or suppressor; 1439

(6) Any combination of parts that is intended by the owner 1440
for use in converting any firearm or other device into a 1441
dangerous ordnance; 1442

(7) Any "armor piercing ammunition" as defined pursuant to 1443
the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a) 1444
(17)(B), as amended, and regulations issued under that act. 1445

(L) "Dangerous ordnance" does not include any of the 1446
following: 1447

(1) Any firearm, including a military weapon and the 1448
ammunition for that weapon, and regardless of its actual age, 1449
that employs a percussion cap or other obsolete ignition system, 1450
or that is designed and safe for use only with black powder; 1451

(2) Any pistol, rifle, or shotgun, designed or suitable 1452
for sporting purposes, including a military weapon as issued or 1453
as modified, and the ammunition for that weapon, unless the 1454
firearm is an automatic or sawed-off firearm; 1455

(3) Any cannon or other artillery piece that, regardless 1456
of its actual age, is of a type in accepted use prior to 1887, 1457
has no mechanical, hydraulic, pneumatic, or other system for 1458
absorbing recoil and returning the tube into battery without 1459
displacing the carriage, and is designed and safe for use only 1460
with black powder; 1461

(4) Black powder, priming quills, and percussion caps 1462
possessed and lawfully used to fire a cannon of a type defined 1463
in division (L)(3) of this section during displays, 1464
celebrations, organized matches or shoots, and target practice, 1465
and smokeless and black powder, primers, and percussion caps 1466
possessed and lawfully used as a propellant or ignition device 1467
in small-arms or small-arms ammunition; 1468

(5) Dangerous ordnance that is inoperable or inert and 1469
cannot readily be rendered operable or activated, and that is 1470
kept as a trophy, souvenir, curio, or museum piece. 1471

(6) Any device that is expressly excepted from the 1472
definition of a destructive device pursuant to the "Gun Control 1473
Act of 1968," 82 Stat. 1213, 18 U.S.C. 921(a)(4); as amended, 1474
and regulations issued under that act. 1475

(M) "Explosive" means any chemical compound, mixture, or 1476
device, the primary or common purpose of which is to function by 1477
explosion. "Explosive" includes all materials that have been 1478
classified as division 1.1, division 1.2, division 1.3, or 1479
division 1.4 explosives by the United States department of 1480
transportation in its regulations and includes, but is not 1481
limited to, dynamite, black powder, pellet powders, initiating 1482
explosives, blasting caps, electric blasting caps, safety fuses, 1483
fuse igniters, squibs, cordeau detonant fuses, instantaneous 1484
fuses, and igniter cords and igniters. "Explosive" does not 1485
include "fireworks," as defined in section 3743.01 of the 1486
Revised Code, or any substance or material otherwise meeting the 1487
definition of explosive set forth in this section that is 1488
manufactured, sold, possessed, transported, stored, or used in 1489
any activity described in section 3743.80 of the Revised Code, 1490
provided the activity is conducted in accordance with all 1491

applicable laws, rules, and regulations, including, but not 1492
limited to, the provisions of section 3743.80 of the Revised 1493
Code and the rules of the fire marshal adopted pursuant to 1494
section 3737.82 of the Revised Code. 1495

(N)(1) "Concealed handgun license" or "license to carry a 1496
concealed handgun" means, subject to division (N)(2) of this 1497
section, a license or temporary emergency license to carry a 1498
concealed handgun issued under section 2923.125 or 2923.1213 of 1499
the Revised Code or a license to carry a concealed handgun 1500
issued by another state with which the attorney general has 1501
entered into a reciprocity agreement under section 109.69 of the 1502
Revised Code. 1503

(2) A reference in any provision of the Revised Code to a 1504
concealed handgun license issued under section 2923.125 of the 1505
Revised Code or a license to carry a concealed handgun issued 1506
under section 2923.125 of the Revised Code means only a license 1507
of the type that is specified in that section. A reference in 1508
any provision of the Revised Code to a concealed handgun license 1509
issued under section 2923.1213 of the Revised Code, a license to 1510
carry a concealed handgun issued under section 2923.1213 of the 1511
Revised Code, or a license to carry a concealed handgun on a 1512
temporary emergency basis means only a license of the type that 1513
is specified in section 2923.1213 of the Revised Code. A 1514
reference in any provision of the Revised Code to a concealed 1515
handgun license issued by another state or a license to carry a 1516
concealed handgun issued by another state means only a license 1517
issued by another state with which the attorney general has 1518
entered into a reciprocity agreement under section 109.69 of the 1519
Revised Code. 1520

(O) "Valid concealed handgun license" or "valid license to 1521

carry a concealed handgun" means a concealed handgun license 1522
that is currently valid, that is not under a suspension under 1523
division (A) (1) of section 2923.128 of the Revised Code, under 1524
section 2923.1213 of the Revised Code, or under a suspension 1525
provision of the state other than this state in which the 1526
license was issued, and that has not been revoked under division 1527
(B) (1) of section 2923.128 of the Revised Code, under section 1528
2923.1213 of the Revised Code, or under a revocation provision 1529
of the state other than this state in which the license was 1530
issued. 1531

(P) "Misdemeanor punishable by imprisonment for a term 1532
exceeding one year" does not include any of the following: 1533

(1) Any federal or state offense pertaining to antitrust 1534
violations, unfair trade practices, restraints of trade, or 1535
other similar offenses relating to the regulation of business 1536
practices; 1537

(2) Any misdemeanor offense punishable by a term of 1538
imprisonment of two years or less. 1539

(Q) "Alien registration number" means the number issued by 1540
the United States citizenship and immigration services agency 1541
that is located on the alien's permanent resident card and may 1542
also be commonly referred to as the "USCIS number" or the "alien 1543
number." 1544

(R) "Active duty" has the same meaning as defined in 10 1545
U.S.C. 101. 1546

Sec. 2923.13. (A) ~~Unless relieved from disability under~~ 1547
~~operation of law or legal process, no~~ No person shall knowingly 1548
acquire, have, carry, or use any firearm or dangerous ordnance, 1549
if any of the following apply: 1550

- (1) The person is a fugitive from justice. 1551
- (2) The person is under indictment for or has been 1552
convicted of any felony offense of violence or has been 1553
adjudicated a delinquent child for the commission of an offense 1554
that, if committed by an adult, would have been a felony offense 1555
of violence. 1556
- (3) The person is under indictment for or has been 1557
convicted of any felony offense involving the illegal 1558
possession, use, sale, administration, distribution, or 1559
trafficking in any drug of abuse or has been adjudicated a 1560
delinquent child for the commission of an offense that, if 1561
committed by an adult, would have been a felony offense 1562
involving the illegal possession, use, sale, administration, 1563
distribution, or trafficking in any drug of abuse. 1564
- (4) The person has been convicted of a violation of 1565
section 2919.25 or 2919.27 of the Revised Code. 1566
- (5) The person has been convicted of any felony offense 1567
that is a felony of the first, second, third, or fourth degree 1568
or qualifying unclassified felony, that is not identified in 1569
division (A)(2), (3), or (4) of this section, and that does not 1570
pertain to any antitrust violation, unfair trade practice, 1571
restraint of trade, or other similar offense or act relating to 1572
the regulation of business practices. 1573
- (6) The person is drug dependent, in danger of drug 1574
dependence, or a chronic alcoholic. 1575
- ~~(5)~~(7) The person is under adjudication of mental 1576
incompetence, has been adjudicated as a mental defective, has 1577
been committed to a mental institution, has been found by a 1578
court to be a mentally ill person subject to court order, or is 1579

an involuntary patient other than one who is a patient only for
purposes of observation. As used in this division, "mentally ill
person subject to court order" and "patient" have the same
meanings as in section 5122.01 of the Revised Code.

(8) The person is subject to a protection order issued
under section 2903.213, 2903.214, 2919.26, or 3113.31 of the
Revised Code that is a qualified protection order.

(9) The person has been discharged from the armed forces
under dishonorable conditions.

(10) The person is an alien who is prohibited from owning,
purchasing, or possessing a firearm pursuant to federal law
under 18 U.S.C. 922(g)(5).

(11) The person, having been a citizen of the United
States, has renounced the person's citizenship.

(12) The person is subject to an extreme risk protection
order issued under section 3113.27 of the Revised Code, during
the time that the order is in effect.

(B) Whoever violates this section is guilty of having
weapons while under disability, a felony of the third degree.

(C) For the purposes of this section, ~~"under operation of
law or legal process" shall not itself include mere completion,
termination, or expiration of a sentence imposed as a result of
a criminal conviction;~~

(1) "Alien" means an individual who is not a citizen of
the United States.

(2) "Armed forces" has the same meaning as in 18 U.S.C.
922.

(3) "Intimate partner" means, with respect to a person, 1607
the spouse of the person, a former spouse of the person, an 1608
individual who is a parent of a child of the person, and an 1609
individual who cohabits or has cohabited with the person. 1610

(4) "Qualified protection order" means a protection order 1611
that meets all of the following requirements: 1612

(a) The order was issued after a hearing of which the 1613
person subject to the order received actual notice and at which 1614
the person had an opportunity to participate. 1615

(b) The order restrains the person from harassing, 1616
stalking, or threatening an intimate partner of the person or 1617
child of the intimate partner of the person, or engaging in 1618
other conduct that would place an intimate partner in reasonable 1619
fear of bodily injury to the partner or child. 1620

(c) The order includes a finding that the person 1621
represents a credible threat to the physical safety of the 1622
intimate partner or child or, by its terms, explicitly prohibits 1623
the use, attempted use, or threatened use of physical force 1624
against the intimate partner or child that would reasonably be 1625
expected to cause bodily injury. 1626

(5) "Qualifying unclassified felony" means any felony 1627
offense for which the possible sanctions include a term of 1628
imprisonment of more than one year. 1629

Sec. 2923.14. (A)(1) Except as otherwise provided in 1630
division (A)(2) of this section, any person who is prohibited 1631
from acquiring, having, carrying, or using firearms may apply to 1632
the court of common pleas in the county in which the person 1633
resides for relief from such prohibition. 1634

(2) Division (A)(1) of this section does not apply to a 1635

person who has been convicted of or pleaded guilty to a 1636
violation of section 2923.132 of the Revised Code or to a person 1637
who, two or more times, has been convicted of or pleaded guilty 1638
to a felony and a specification of the type described in section 1639
2941.141, 2941.144, 2941.145, 2941.146, 2941.1412, or 2941.1424 1640
of the Revised Code. 1641

(B) The application shall recite the following: 1642

(1) All indictments, convictions, or adjudications upon 1643
which the applicant's disability is based, the sentence imposed 1644
and served, and any release granted under a community control 1645
sanction, post-release control sanction, or parole, any partial 1646
or conditional pardon granted, or other disposition of each 1647
case, or, if the disability is based upon a factor other than an 1648
indictment, a conviction, or an adjudication, the factor upon 1649
which the disability is based and all details related to that 1650
factor; 1651

(2) Facts showing the applicant to be a fit subject for 1652
relief under this section. 1653

(C) A copy of the application shall be served on the 1654
county prosecutor. The county prosecutor shall cause the matter 1655
to be investigated and shall raise before the court any 1656
objections to granting relief that the investigation reveals. 1657

(D) Upon hearing, the court may grant the applicant relief 1658
pursuant to this section, if all of the following apply: 1659

(1) One of the following applies: 1660

(a) If the disability is based upon an indictment, a 1661
conviction, or an adjudication, the applicant has been fully 1662
discharged from imprisonment, community control, post-release 1663
control, and parole, or, if the applicant is under indictment, 1664

has been released on bail or recognizance. 1665

(b) If the disability is based upon a factor other than an 1666
indictment, a conviction, or an adjudication, that factor no 1667
longer is applicable to the applicant. 1668

(2) The applicant has led a law-abiding life since 1669
discharge or release, and appears likely to continue to do so. 1670

(3) The applicant is not otherwise prohibited by law from 1671
acquiring, having, or using firearms. 1672

(E) Costs of the proceeding shall be charged as in other 1673
civil cases, and taxed to the applicant. 1674

(F) Relief from disability granted pursuant to this 1675
section restores the applicant to all civil firearm rights to 1676
the full extent enjoyed by any citizen, and is subject to the 1677
following conditions: 1678

(1) Applies only with respect to indictments, convictions, 1679
or adjudications, or to the other factor, recited in the 1680
application as the basis for the applicant's disability; 1681

(2) Applies only with respect to firearms lawfully 1682
acquired, possessed, carried, or used by the applicant; 1683

(3) May be revoked by the court at any time for good cause 1684
shown and upon notice to the applicant; 1685

(4) Is automatically void upon commission by the applicant 1686
of any offense set forth in division (A)(2) or (3) of section 1687
2923.13 of the Revised Code, upon conviction of the applicant of 1688
any offense set forth in division (A)(4) or (5) of that section, 1689
or upon the applicant's becoming one of the class of persons 1690
named in division (A)(1), ~~(4), or (5)~~ (6), (7), (8), (9), (10), 1691
(11), or (12) of that section. 1692

(G) As used in this section:	1693
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1694 1695
(2) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.	1696 1697 1698
Sec. 2923.18. (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his <u>the applicant's</u> principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:	1699 1700 1701 1702 1703 1704 1705
(1) Contractors, wreckers, quarrymen <u>quarriers</u> , mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;	1706 1707 1708 1709 1710
(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes on lands farmed by them;	1711 1712 1713
(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;	1714 1715 1716
(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his <u>the person's</u> duties;	1717 1718 1719 1720

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has ~~his~~ the applicant's principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if ~~he~~ the applicant is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information, as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue

a license or temporary permit only if all of the following 1750
apply: 1751

(1) The applicant is not otherwise prohibited by law from 1752
acquiring, having, carrying or using dangerous ordnance; 1753

(2) The applicant is age twenty-one or over, if ~~he~~ the 1754
applicant is a natural person; 1755

(3) It appears that the applicant has sufficient 1756
competence to safely acquire, possess, carry, or use the 1757
dangerous ordnance, and that proper precautions will be taken to 1758
protect the security of the dangerous ordnance and ensure the 1759
safety of persons and property; 1760

(4) It appears that the dangerous ordnance will be 1761
lawfully acquired, possessed, carried, and used by the applicant 1762
for a legitimate purpose. 1763

(D) The license or temporary permit shall identify the 1764
person to whom it is issued, identify the dangerous ordnance 1765
involved and state the purposes for which the license or 1766
temporary permit is issued, state the expiration date, if any, 1767
and list such restrictions on the acquisition, possession, 1768
carriage, or use of the dangerous ordnance as the issuing 1769
authority considers advisable to protect the security of the 1770
dangerous ordnance and ensure the safety of persons and 1771
property. 1772

(E) A temporary permit shall be issued for the casual use 1773
of explosives and explosive devices, and other consumable 1774
dangerous ordnance, and shall expire within thirty days of its 1775
issuance. A license shall be issued for the regular use of 1776
consumable dangerous ordnance, or for any ~~nonconsumable~~ 1777
nonconsumable dangerous ordnance, which license need not specify 1778

an expiration date, but the issuing authority may specify such 1779
expiration date, not earlier than one year from the date of 1780
issuance, as it considers advisable in view of the nature of the 1781
dangerous ordnance and the purposes for which the license is 1782
issued. 1783

(F) The dangerous ordnance specified in a license or 1784
temporary permit may be obtained by the holder anywhere in the 1785
state. The holder of a license may use such dangerous ordnance 1786
anywhere in the state. The holder of a temporary permit may use 1787
such dangerous ordnance only within the territorial jurisdiction 1788
of the issuing authority. 1789

(G) The issuing authority shall forward to the state fire 1790
marshal a copy of each license or temporary permit issued 1791
pursuant to this section, and a copy of each record of a 1792
transaction in dangerous ordnance and of each report of lost or 1793
stolen dangerous ordnance, given to the local law enforcement 1794
authority as required by divisions (A)~~(4)~~~~(6)~~ and ~~(5)~~~~(7)~~ of 1795
section 2923.20 of the Revised Code. The state fire marshal 1796
shall keep a permanent file of all licenses and temporary 1797
permits issued pursuant to this section, and of all records of 1798
transactions in, and losses or thefts of dangerous ordnance 1799
forwarded by local law enforcement authorities pursuant to this 1800
section. 1801

Sec. 2923.20. (A) No person shall do any of the following: 1802

(1) Recklessly sell, lend, give, or furnish any firearm to 1803
any person prohibited by section 2923.13 or 2923.15 of the 1804
Revised Code from acquiring or using any firearm, or recklessly 1805
sell, lend, give, or furnish any dangerous ordnance to any 1806
person prohibited by section 2923.13, 2923.15, or 2923.17 of the 1807
Revised Code from acquiring or using any dangerous ordnance; 1808

- (2) Possess any firearm or dangerous ordnance with purpose 1809
to dispose of it in violation of division (A) of this section; 1810
- (3) Knowingly solicit, persuade, encourage, or entice a 1811
federally licensed firearms dealer or private seller of firearms 1812
or ammunition to transfer a firearm or ammunition under 1813
circumstances that the person knows would violate the laws of 1814
this state or of the United States; 1815
- (4) Knowingly provide materially false information to a 1816
licensed firearms dealer or private seller of firearms or 1817
ammunition with the intent to deceive the dealer or seller about 1818
the legality of a transfer of a firearm or ammunition; 1819
- (5) Manufacture, possess for sale, sell, or furnish to any 1820
person other than a law enforcement agency for authorized use in 1821
police work, any brass knuckles, cestus, billy, blackjack, 1822
sandbag, switchblade knife, springblade knife, gravity knife, or 1823
similar weapon; 1824
- ~~(4)~~ (6) When transferring any dangerous ordnance to 1825
another, negligently fail to require the transferee to exhibit 1826
such identification, license, or permit showing ~~him~~ the 1827
transferee to be authorized to acquire dangerous ordnance 1828
pursuant to section 2923.17 of the Revised Code, or negligently 1829
fail to take a complete record of the transaction and forthwith 1830
forward a copy of that record to the sheriff of the county or 1831
safety director or police chief of the municipality where the 1832
transaction takes place; 1833
- ~~(5)~~ (7) Knowingly fail to report to law enforcement 1834
authorities forthwith the loss or theft of any firearm or 1835
dangerous ordnance in the person's possession or under the 1836
person's control. 1837

(B) (1) A person who knowingly procures another to engage 1838
in conduct prohibited by division (A) (3) or (4) of this section 1839
is guilty, as a principal, of a violation of this section. 1840

(2) Divisions (A) (3) and (4) of this section do not apply 1841
to a law enforcement officer who is acting in the officer's 1842
official capacity or to a person acting under the direction of a 1843
law enforcement officer who is acting in the officer's official 1844
capacity. 1845

(C) Whoever violates this section is guilty of unlawful 1846
transactions in weapons. A violation of division (A) (1) ~~or,~~ 1847
(2), (3), or (4) of this section is a felony of the ~~fourth~~ 1848
~~second~~ degree. A violation of division (A) ~~(3)~~ ~~(5)~~ or ~~(4)~~ ~~(6)~~ of 1849
this section is a misdemeanor of the second degree. A violation 1850
of division (A) ~~(5)~~ ~~(7)~~ of this section is a misdemeanor of the 1851
fourth degree. 1852

(D) As used in this section: 1853

(1) "Ammunition" means any cartridge, shell, or projectile 1854
designed for use in a firearm. 1855

(2) "Federally licensed firearms dealer" has the same 1856
meaning as in section 5502.63 of the Revised Code. 1857

(3) "Materially false information" means information that 1858
portrays an illegal transaction as legal or a legal transaction 1859
as illegal. 1860

(4) "Private seller of firearms or ammunition" means a 1861
person who is not a federally licensed firearms dealer and who 1862
sells or offers for sale any firearm or ammunition. 1863

Sec. 3113.26. As used in sections 3113.26 to 3113.30 of 1864
the Revised Code: 1865

(A) "Court" means the probate court in each county as 1866
defined in section 2101.01 of the Revised Code, unless the 1867
reference expressly refers to a court other than a probate 1868
court. 1869

(B) "Family or household member" and "person living as a 1870
spouse" have the same meanings as in section 3113.31 of the 1871
Revised Code. 1872

(C) "Firearm" has the same meaning as in section 2923.11 1873
of the Revised Code. 1874

(D) "Federally licensed firearms dealer" has the same 1875
meaning as in section 5502.63 of the Revised Code. 1876

(E) "Law enforcement officer" means a sheriff, deputy 1877
sheriff, member of the organized police department of any 1878
municipal corporation, member of a police force employed by a 1879
metropolitan housing authority under division (D) of section 1880
3735.31 of the Revised Code, or a state university law 1881
enforcement officer appointed under section 3345.04 of the 1882
Revised Code. 1883

(F) "Mental illness" and "mentally ill person subject to 1884
court order" have the same meanings as in section 5122.01 of the 1885
Revised Code. 1886

(G) "Petitioner" means a family or household member, a 1887
person living as a spouse, or a law enforcement officer who 1888
files a petition for an extreme risk protection order under 1889
section 3113.27 of the Revised Code. 1890

(H) "Respondent" means a person who is identified in a 1891
petition for an extreme risk protection order filed under 1892
section 3113.27 of the Revised Code as the person to which the 1893
extreme risk protection order will apply if the order is issued. 1894

(I) "Extended extreme risk protection order" and "extended order" mean an extreme risk protection order that has been extended under division (D) of section 3113.29 of the Revised Code. 1895
1896
1897
1898

Sec. 3113.27. (A)(1) A family or household member of a respondent, a person living as a spouse of a respondent, or a law enforcement officer may file a petition in the probate court of the county in which the respondent resides requesting that the court issue an extreme risk protection order temporarily enjoining the respondent from having in the respondent's possession, custody, or control any firearm. 1899
1900
1901
1902
1903
1904
1905

(2) A petition filed under division (A)(1) of this section shall do all of the following: 1906
1907

(a) Allege facts showing that the respondent presents a significant risk in the near future of committing suicide, committing another form of serious self-harm less than death, or causing physical injury to another person; 1908
1909
1910
1911

(b) Identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's possession, custody, or control at the time the petition is filed; 1912
1913
1914
1915

(c) Include the respondent's residence address at the time the petition is filed as well as any other information the petitioner has concerning the whereabouts of the respondent, so that service of the petition on the respondent promptly can be made under division (A)(6) of this section; 1916
1917
1918
1919
1920

(d) Identify whether there is a current protection order or restraining order governing the respondent under section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised 1921
1922
1923

Code or under any other applicable statute;

1924

(e) If, at the time of the filing of the petition, the
respondent is in custody under section 5122.10 of the Revised
Code for an examination as a person who is believed to be a
mentally ill person subject to court order and to represent a
substantial risk of physical harm to self or others if allowed
to remain at liberty pending examination, state the fact of the
custody and the date on which the person was taken into custody,
and identify the location of the custody.

1925

1926

1927

1928

1929

1930

1931

1932

(3) A petition for an extreme risk protection order filed
under division (A)(1) of this section shall be supported by a
written affidavit signed by the petitioner under oath, an oral
statement given by the petitioner under oath, or any other
admissible evidence the petitioner may choose to produce that
sets forth the facts alleged in the petition that give rise to a
reasonable belief on the part of the petitioner that the
respondent presents a significant risk of the type described in
the petition. If the petitioner is a law enforcement officer,
the law enforcement officer also shall include in the affidavit
under oath that the officer has conducted an independent
investigation of the circumstances giving rise to the filing of
the petition and that there is good cause for the filing of the
petition.

1933

1934

1935

1936

1937

1938

1939

1940

1941

1942

1943

1944

1945

1946

(4) In any proceeding before the court in which the
petitioner is seeking an extreme risk protection order or an
extension of an existing extreme risk protection order, the
petitioner has the burden of proof.

1947

1948

1949

1950

(5) In any proceeding before the court in which the
petitioner is seeking an extreme risk protection order, the
Rules of Civil Procedure and the Rules of Evidence shall apply.

1951

1952

1953

(6) Upon the filing of a petition for an extreme risk 1954
protection order under division (A)(1) of this section, the 1955
court shall set a date for a hearing on the petition that is not 1956
later than three calendar days after the day on which the 1957
petition is filed. On the same business day the petitioner files 1958
the petition, the court shall direct a law enforcement officer 1959
to serve on the respondent a copy of the petition and a notice 1960
of the hearing. The notice of the hearing shall notify the 1961
respondent of the date, time, and location of the hearing and of 1962
the respondent's opportunity to be heard to contest the issuance 1963
of an extreme risk protection order. On motion of the petitioner 1964
or respondent, or on its own motion, the court may grant a 1965
continuance of the hearing for any of the circumstances or 1966
reasons identified in divisions (A)(6)(a) to (e) of this section 1967
and, upon granting a continuance, the court shall notify the 1968
petitioner and respondent of the new date, time, and location of 1969
the hearing. Under any of the following circumstances or for any 1970
of the following reasons, the court may grant a continuance of 1971
the hearing to a reasonable time determined by the court: 1972

(a) Prior to the date scheduled for the hearing under this 1973
division, the respondent has not been served with the petition 1974
filed under this section and the notice of the hearing. 1975

(b) The petitioner and the respondent consent to the 1976
continuance. 1977

(c) The continuance is to allow either the petitioner or 1978
the respondent to obtain counsel. 1979

(d) The continuance is needed for other good cause. 1980

(e) At the time of the filing of the petition, the 1981
respondent is in custody as described in division (A)(2)(e) of 1982

this section. 1983

(7) If, at the time scheduled for the hearing under 1984
division (A)(6) of this section, the respondent is in custody as 1985
described in division (A)(2)(e) of this section, the respondent 1986
shall be released from the custody for the purpose of attending 1987
the hearing. If, on completion of the hearing, the period of the 1988
custody of the respondent for an examination as described in 1989
division (A)(2)(e) of this section has not ended and the 1990
respondent has not been discharged from that custody, the 1991
respondent shall return to the hospital from which the 1992
respondent was released to attend the hearing. The court may 1993
direct that a law enforcement officer transport the respondent 1994
to and from the hearing. 1995

(B)(1) At the hearing for an extreme risk protection order 1996
provided under division (A)(6) of this section, the petitioner 1997
must prove, by clear and convincing evidence, that the 1998
respondent presents a significant risk of committing suicide, 1999
committing another form of serious self-harm less than death, or 2000
causing physical injury to another person in the near future to 2001
such an extent that the respondent should be immediately and 2002
temporarily enjoined from having in the respondent's possession, 2003
custody, or control any firearm. If the court at the hearing 2004
finds that the petitioner has so proved, the court may issue an 2005
extreme risk protection order. Absent such a finding, the court 2006
shall not issue an extreme risk protection order. 2007

(2) In determining whether to issue an extreme risk 2008
protection order under this section, the court shall consider 2009
all of the factors listed in division (C) of this section. 2010

(3) If the court at the hearing provided under division 2011
(A)(6) of this section finds, by clear and convincing evidence, 2012

that an extreme risk protection order should be issued and 2013
issues the order, the order shall include all of the following: 2014

(a) A statement of the evidence presented and the court's 2015
findings supporting issuance of the order; 2016

(b) The date the order was issued; 2017

(c) The duration of the order, which shall be one hundred 2018
eighty days after the date on which a copy of the proof of a 2019
voluntary transfer or an affidavit is filed with a court under 2020
division (A) (2) of section 3113.28 of the Revised Code or a 2021
return is filed with a court under division (B) of that section, 2022
and a notice that the duration of the order may be extended upon 2023
request of the petitioner if the court makes certain findings; 2024

(d) A notice to the respondent that, beginning ninety days 2025
after a copy of the proof of a voluntary transfer or an 2026
affidavit is filed with a court under division (A) (2) of section 2027
3113.28 of the Revised Code or a return is filed with a court 2028
under division (B) of that section, the respondent may file a 2029
petition with the court pursuant to section 3113.29 of the 2030
Revised Code for a hearing under that section to terminate the 2031
order and reclaim possession of the respondent's firearms; 2032

(e) A notice that the order can be appealed to the court 2033
of appeals; 2034

(f) A notice that the issuance of an extreme risk 2035
protection order under division (B) of this section shall make 2036
it unlawful for the respondent to possess, purchase, acquire, or 2037
obtain a firearm, including ammunition, while the extreme risk 2038
protection order is in effect. 2039

(4) If the court issues an extreme risk protection order 2040
under division (B) of this section, the court shall immediately 2041

direct a law enforcement officer to serve the order on the 2042
respondent as soon as possible, either at the residence address 2043
of the respondent as set forth in the petition or at any other 2044
location that either the petitioner or the law enforcement 2045
officer has reason to believe the respondent can be found and 2046
served. If, at that time, the respondent is in custody as 2047
described in division (A)(2)(e) of this section, the law 2048
enforcement officer shall serve the order on the respondent at 2049
the hospital in which the respondent is in custody. After the 2050
law enforcement officer serves the order on the respondent, the 2051
officer shall file with the court notice of service on the 2052
respondent. The notice of service shall state the date and time 2053
the respondent was served and the location at which the 2054
respondent was served. 2055

(5) An extreme risk protection order issued under division 2056
(B) of this section shall order the respondent, within twenty- 2057
four hours of being served with a copy of the order, to transfer 2058
all firearms in the respondent's possession, custody, or control 2059
to a law enforcement agency or federally licensed firearms 2060
dealer, in accordance with division (A) of section 3113.28 of 2061
the Revised Code. The order also shall inform the respondent of 2062
the affidavit provisions of divisions (A)(2)(b) and (c) of that 2063
section and that if the respondent files an affidavit of the 2064
type described in either of those divisions, the twenty-four 2065
hour transfer requirement included in the order does not apply 2066
to the respondent. The order also shall inform the respondent 2067
that, if the twenty-four hour transfer requirement applies to 2068
the respondent and the respondent does not transfer the firearms 2069
in accordance with division (A) of section 3113.28 of the 2070
Revised Code, the court will issue a warrant as described in 2071
this division for seizure of the firearms. 2072

If the twenty-four hour transfer requirement included in 2073
the order applies to the respondent and the respondent does not 2074
transfer all firearms under the respondent's possession, 2075
custody, or control within twenty-four hours in accordance with 2076
division (A) of section 3113.28 of the Revised Code, except as 2077
otherwise described in this paragraph, the court shall issue a 2078
warrant under division (B) of that section commanding a law 2079
enforcement officer in the county in which the respondent 2080
resides to enter the respondent's residence or any other 2081
property owned, leased, or controlled by the respondent to 2082
search for and seize all firearms in the respondent's 2083
possession, custody, or control. A court that otherwise is 2084
required to issue a warrant as described in this paragraph may 2085
decide to not issue the warrant or to delay the issuance of the 2086
warrant, in the circumstances specified in division (B) of 2087
section 3113.28 of the Revised Code. 2088

(C)(1) In determining whether to issue an extreme risk 2089
protection order, the court shall consider all of the following: 2090

(a) Recent threats or acts of violence by the respondent 2091
directed toward the petitioner; 2092

(b) Recent threats or acts of violence by the respondent 2093
directed toward any other person; 2094

(c) Recent acts of the respondent's cruelty to animals; 2095

(d) The respondent's reckless use, display, or brandishing 2096
of a firearm; 2097

(e) A history of suicide threats or attempts by the 2098
respondent or other attempts by the respondent to engage in any 2099
form of self-harm; 2100

(f) A history of the use, attempted use, or threatened use 2101

of physical force or violence by the respondent against another 2102
person; 2103

(g) The respondent's illegal use of controlled substances 2104
or abuse of alcohol; 2105

(h) A prior confinement of the respondent under section 2106
5122.10 or 5122.11 of the Revised Code that resulted in the 2107
respondent being found to be a mentally ill person subject to 2108
court order; 2109

(i) Any other factors that are relevant to an evaluation 2110
of whether the respondent presents a significant risk in the 2111
near future of committing suicide, committing another form of 2112
self-harm less than death, or causing physical injury to another 2113
person. 2114

(2) As used in division (C)(1) of this section: 2115

(a) "Recent" means at any time within the twenty-four- 2116
month period immediately prior to the filing of the petition 2117
requesting the issuance of an extreme risk protection order with 2118
respect to which the hearing pertains. 2119

(b) "A history of" a specified type of activity or conduct 2120
means that the specified activity or conduct has occurred 2121
multiple times within the twenty-four-month period immediately 2122
prior to the filing of the petition requesting the issuance of 2123
an extreme risk protection order with respect to which the 2124
hearing pertains. 2125

(D) Any evidence presented in a petition for an extreme 2126
risk protection order under division (A)(1) of this section or 2127
in any hearing on such a petition that the respondent has been 2128
diagnosed with any mental illness or any other mental health 2129
condition is not sufficient by itself for the court to issue an 2130

extreme risk protection order. For the extreme risk protection 2131
order to be issued, the court must find that one or more of the 2132
factors listed in division (C) of this section applies, in 2133
addition to any mental illness or any other mental health 2134
condition from which the respondent may suffer. 2135

(E)(1) A copy of an extreme risk protection order issued 2136
pursuant to division (B) of this section shall be issued to the 2137
petitioner, to the respondent, and to all law enforcement 2138
agencies that have jurisdiction to enforce the order. If the 2139
court that issued the order terminates or cancels the order, the 2140
court shall cause the delivery of notice of the termination or 2141
cancellation to the same persons and entities that were issued a 2142
copy of the order. If the respondent appeals the order or an 2143
extension of the order to the court of appeals and the court of 2144
appeals overturns the decision of the probate court to issue or 2145
extend the order, the court of appeals shall cause the delivery 2146
of notice of its decision to the same persons and entities that 2147
were issued a copy of the order or of the extension of the 2148
order. 2149

(2) Any order issued under division (B) of this section 2150
shall be in a form that ensures the order is accepted into the 2151
protection order database of the national crime information 2152
center (NCIC) maintained by the federal bureau of investigation. 2153

(3) Each law enforcement agency provided a copy of an 2154
order pursuant to division (E)(1) of this section shall ensure 2155
the order is entered into the law enforcement automated data 2156
system created by section 5503.10 of the Revised Code and known 2157
as LEADS within twenty-four hours of receipt. Upon the 2158
termination or cancellation of the order, or upon a decision of 2159
a court of appeals that overturns the decision of the probate 2160

court to issue or extend the order, the agency shall take all 2161
steps necessary to ensure that the order is removed from LEADS 2162
within twenty-four hours after receipt of notice of the 2163
termination, cancellation, or overturning of the order or 2164
extension and that the order is terminated, cleared, or canceled 2165
in the database of the national crime information center (NCIC) 2166
maintained by the federal bureau of investigation into which the 2167
order has been entered, as described in division (E)(2) of this 2168
section. 2169

Sec. 3113.28. (A) Any person who is a respondent subject 2170
to an extreme risk protection order issued under section 3113.27 2171
of the Revised Code and who has been served with the order may 2172
voluntarily transfer all firearms in the respondent's 2173
possession, custody, or control as described in this division. A 2174
respondent's compliance with both divisions (A)(1) and (2) of 2175
this section constitutes a voluntary transfer of the firearms. 2176
To voluntarily transfer the firearms, the respondent shall 2177
comply with the following: 2178

(1)(a) Subject to division (A)(1)(b) of this section, 2179
within twenty-four hours after being served with the extreme 2180
risk protection order, the respondent shall transfer all 2181
firearms in the respondent's possession, custody, or control to 2182
a law enforcement agency or federally licensed firearms dealer. 2183
The respondent shall provide a copy of the order to the law 2184
enforcement agency or federally licensed firearms dealer at the 2185
time of transfer. The law enforcement agency or federally 2186
licensed firearms dealer shall issue a proof of transfer to the 2187
respondent. The proof of transfer shall include the name of the 2188
respondent, the date of transfer, and the serial number, make, 2189
and model or any other relevant description of each transferred 2190
firearm and shall identify the law enforcement agency or 2191

federally licensed firearms dealer and provide an address and 2192
telephone number for the agency or dealer and the name of a 2193
person who may be contacted at the agency or dealer's premises. 2194

(b) If the respondent was taken into custody under 2195
division (A) of section 5122.10 of the Revised Code after the 2196
issuance of the extreme risk protection order but before the 2197
respondent's compliance with division (A)(1)(a) of this section, 2198
or was taken into custody under division (A) of section 5122.10 2199
of the Revised Code before the issuance of the extreme risk 2200
protection order and the order was issued while the respondent 2201
was in that custody or under any other disposition of a type 2202
described in division (A) of section 5122.10 of the Revised Code 2203
that is subsequent and related to that custody, division (A)(1) 2204
(a) of this section does not apply to the respondent while the 2205
respondent remains in that custody or under that other 2206
disposition. Upon the respondent's release or discharge from 2207
that custody or other disposition, if the extreme risk 2208
protection order remains in effect, within twenty-four hours of 2209
that release or discharge, the respondent shall comply with 2210
division (A)(1)(a) of this section and the provisions of that 2211
division apply with respect to transfers made under it. 2212

(2) (a) Subject to divisions (A)(2)(b) and (c) of this 2213
section, within forty-eight hours after being served with the 2214
extreme risk protection order, the respondent shall do one of 2215
the following: 2216

(i) File a copy of the proof of transfer with the court 2217
that issued the order and an affidavit stating that all firearms 2218
in the respondent's possession, custody, or control at the time 2219
the respondent was served with the order have been transferred 2220
in accordance with this division and that the respondent 2221

currently has no firearms in the respondent's possession, 2222
custody, or control; 2223

(ii) File an affidavit with the court that issued the 2224
order stating that at the time the respondent was served with 2225
the order, the respondent had no firearms in the respondent's 2226
possession, custody, or control, and that the respondent 2227
currently has no firearms in the respondent's possession, 2228
custody, or control. 2229

(b) If the respondent was taken into custody under 2230
division (A) of section 5122.10 of the Revised Code after the 2231
issuance of the extreme risk protection order but before the 2232
respondent's compliance with division (A)(1)(a) of this section, 2233
division (A)(2)(a) of this section does not apply to the 2234
respondent while the respondent remains in that custody or under 2235
any other disposition of a type described in division (A) of 2236
section 5122.10 of the Revised Code that is subsequent and 2237
related to that custody. Instead, within forty-eight hours after 2238
being taken into custody, the respondent shall file an affidavit 2239
with the court that issued the order stating that the respondent 2240
is in custody under division (A) of section 5122.10 of the 2241
Revised Code or under another disposition of a type described in 2242
that division that is subsequent and related to that custody. 2243
Upon the respondent's release or discharge from that custody or 2244
other disposition, if the extreme risk protection order remains 2245
in effect, the respondent shall comply with division (A)(1)(a) 2246
of this section as specified under division (A)(1)(b) of this 2247
section and, within forty-eight hours after that release, shall 2248
comply with division (A)(2)(a)(i) or (ii) of this section. 2249

(c) If the respondent was taken into custody under 2250
division (A) of section 5122.10 of the Revised Code before the 2251

issuance of the extreme risk protection order and the order was 2252
issued while the respondent was in that custody or under any 2253
other disposition of a type described in division (A) of section 2254
5122.10 of the Revised Code that is subsequent and related to 2255
that custody, division (A)(2)(a) of this section does not apply 2256
to the respondent while the respondent remains in that custody 2257
or under that other disposition. Instead, within forty-eight 2258
hours after being served with the extreme risk protection order, 2259
the respondent shall file an affidavit of the type described in 2260
division (A)(2)(b) of this section with the court that issued 2261
the order. Upon the respondent's release or discharge from that 2262
custody or other disposition, if the extreme risk protection 2263
order remains in effect, the respondent shall comply with 2264
division (A)(1)(a) of this section as specified under division 2265
(A)(1)(b) of this section and, within forty-eight hours after 2266
that release, shall comply with division (A)(2)(a)(i) or (ii) of 2267
this section. 2268

(B) If a respondent who is subject to an extreme risk 2269
protection order issued under section 3113.27 of the Revised 2270
Code does not voluntarily transfer all firearms in compliance 2271
with division (A) of this section within the transfer period 2272
applicable to the respondent, as specified in that division, 2273
except as otherwise described in this division, the court that 2274
issued the order shall issue a warrant to a law enforcement 2275
officer commanding the officer to search for and seize all 2276
firearms in the possession or control of the respondent. The law 2277
enforcement officer who served the warrant, not later than 2278
forty-eight hours after the warrant was served, shall file a 2279
return with the court that states that the warrant was served 2280
and that sets forth the time and date on which the warrant was 2281
served, the name and address of the respondent named in the 2282

warrant, and the serial number, make, and model or any other 2283
relevant description of each firearm seized by the law 2284
enforcement officer. If a court that otherwise is required to 2285
issue a warrant under this division determines that the 2286
respondent is in custody or that the respondent's firearms 2287
already have been surrendered to and are in the possession of a 2288
law enforcement agency, the court may decide to not issue the 2289
warrant or to delay the issuance of the warrant pending the 2290
respondent's release or the return of the firearms to the 2291
respondent. 2292

(C) The enforcement of an extreme risk protection order 2293
issued under section 3113.27 of the Revised Code is separate 2294
from, and independent of, the taking of temporary custody of 2295
firearms under division (B) of section 5122.10 of the Revised 2296
Code and, in the circumstances described in divisions (A) (1) (b), 2297
(2) (b), and (2) (c) of this section, the procedures described in 2298
those divisions apply with respect to the respondent under the 2299
order. 2300

(D) (1) Any law enforcement agency or federally licensed 2301
firearms dealer that has taken possession of a respondent's 2302
firearms pursuant to an extreme risk protection order issued 2303
under section 3113.27 of the Revised Code, whether by a 2304
voluntary transfer by the respondent pursuant to division (A) of 2305
this section or by a seizure by a law enforcement officer 2306
pursuant to division (B) of this section, shall not mark, 2307
damage, deface, or destroy the firearms while they are in the 2308
agency's or dealer's possession. The agency or dealer shall 2309
maintain the integrity and identity of the firearms in such a 2310
manner that, if the firearms subsequently are to be returned to 2311
the respondent, they can be identified and returned to the 2312
respondent in the same condition they were in when they were 2313

voluntarily transferred or seized. The agency or dealer shall 2314
not relinquish control of the firearms other than pursuant to a 2315
provision of section 3113.29 of the Revised Code, pursuant to a 2316
sale as specified in division (F) of that section, or pursuant 2317
to a court order. 2318

(2) Any law enforcement agency that has taken possession 2319
of a respondent's firearms pursuant to an extreme risk 2320
protection order issued under section 3113.27 of the Revised 2321
Code, whether by a voluntary transfer by the respondent pursuant 2322
to division (A) of this section or by a seizure by a law 2323
enforcement officer pursuant to division (B) of this section, 2324
may transfer the respondent's firearms for storage by the state 2325
highway patrol for the duration of the order. The state highway 2326
patrol shall issue the law enforcement agency that originally 2327
took possession of the respondent's firearms a proof of transfer 2328
that includes the name and address of the respondent from whom 2329
the firearms were received and the serial number, make, and 2330
model or any other relevant description of each transferred 2331
firearm. The state highway patrol shall notify the court, the 2332
petitioner, and the respondent that the state highway patrol 2333
then is in possession of the respondent's firearms. This 2334
division does not apply to a federally licensed firearms dealer 2335
that has taken possession of a respondent's firearms pursuant to 2336
an extreme risk protection order issued under section 3113.27 of 2337
the Revised Code by a voluntary transfer by the respondent 2338
pursuant to division (A) of this section. 2339

(3) A law enforcement agency or federally licensed 2340
firearms dealer that has taken possession of a respondent's 2341
firearms as described in division (D)(1) or (2) of this section, 2342
or the state highway patrol that has custody of a respondent's 2343
firearms as described in division (D)(2) of this section, shall 2344

make a record of the firearms for purposes of sections 3113.26 2345
to 3113.30 of the Revised Code. Notwithstanding section 149.43 2346
of the Revised Code, the record is confidential, is not a public 2347
record, and shall be used only for purposes of sections 3113.26 2348
to 3113.30 of the Revised Code. No person shall disseminate the 2349
record or any information on it, other than as required for 2350
purposes of sections 3113.26 to 3113.30 of the Revised Code or 2351
as required to do so pursuant to a court order. The agency, 2352
dealer, or state highway patrol shall not submit the record or 2353
any information on it to any government entity for purposes of a 2354
centralized database and no government entity shall establish or 2355
maintain any centralized database including the record or any 2356
information on it. 2357

Sec. 3113.29. (A) An extreme risk protection order issued 2358
by a court pursuant to division (A)(6) of section 3113.27 of the 2359
Revised Code shall be for a period of one hundred eighty days 2360
beginning after a copy of the proof of a voluntary transfer or 2361
an affidavit is filed with a court under division (A)(2) of 2362
section 3113.28 of the Revised Code or a return is filed with a 2363
court under division (B) of that section, subject to termination 2364
as described in division (B) of this section. The initial one- 2365
hundred-eighty-day period may be extended for an additional 2366
period under division (D) of this section, and an order extended 2367
under that division may be further extended under that division. 2368

(B)(1) With respect to an extreme risk protection order 2369
issued by a court pursuant to division (A)(6) of section 3113.27 2370
of the Revised Code, beginning ninety days after a copy of the 2371
proof of a voluntary transfer or an affidavit is filed with a 2372
court under division (A)(2) of section 3113.28 or a return is 2373
filed with a court under division (B) of that section, the 2374
respondent may file a petition with the court that issued the 2375

order requesting a hearing to terminate the order and reclaim 2376
possession of the respondent's firearms. If the order has been 2377
extended for an additional period under division (D) of this 2378
section, the respondent may file a motion of the type described 2379
in this division at any time after the extension. 2380

(2) Upon receipt of a petition described in division (B) 2381
(1) of this section, the court shall schedule a hearing on the 2382
petition and notify the petitioner and the respondent of the 2383
date, time, and location of the hearing. 2384

(3) In a hearing on a petition described in division (B) 2385
(1) of this section, the respondent has the burden of proving by 2386
a preponderance of the evidence that the respondent no longer 2387
presents a significant risk in the near future of committing 2388
suicide, committing another form of serious self-harm less than 2389
death, or causing physical injury to another person to such an 2390
extent that the respondent should be enjoined from having in the 2391
respondent's possession, custody, or control any firearm. At any 2392
such hearing, the petitioner may present evidence to rebut the 2393
respondent's evidence or assertion that the respondent presently 2394
does not present such a risk. 2395

(4) Upon the completion of the hearing on a respondent's 2396
petition under division (B) (1) of this section and consideration 2397
of the record, the court shall do one of the following: 2398

(a) If the court finds that the respondent no longer 2399
presents a significant risk in the near future of committing 2400
suicide, committing another form of serious self-harm less than 2401
death, or causing physical injury to another person to such an 2402
extent that the respondent should be enjoined from having in the 2403
respondent's possession, custody, or control any firearm, the 2404
court shall grant the respondent's petition, terminate the 2405

extreme risk protection order, and order the law enforcement 2406
agency or federally licensed firearms dealer having custody of 2407
the firearms to return them to the respondent upon the 2408
respondent's request as soon as possible, but not later than the 2409
end of the next business day after, the day on which the 2410
respondent makes the request. Upon receipt of the order, the law 2411
enforcement agency or federally licensed firearms dealer shall 2412
return the firearms to the respondent upon the respondent's 2413
request. The agency shall return the firearms to the respondent 2414
as soon as possible after, but not later than the end of the 2415
next business day after the day on which, the respondent makes 2416
the request. 2417

(b) If the court finds that the respondent continues to 2418
present a significant risk in the near future of committing 2419
suicide, committing another form of serious self-harm less than 2420
death, or causing physical injury to another person to such an 2421
extent that the respondent should be enjoined from having in the 2422
respondent's possession, custody, or control any firearm, the 2423
court shall deny the respondent's petition and the extreme risk 2424
protection order shall remain in effect for the remainder of the 2425
duration of the one-hundred-eighty-day period. In such a case, 2426
the respondent may not file a subsequent petition to reclaim the 2427
firearms at any time during the remainder of the duration of the 2428
one-hundred-eighty-day period. 2429

(C) If an extreme risk protection order has been issued by 2430
a court pursuant to division (A) (6) of section 3113.27 of the 2431
Revised Code for a one-hundred-eighty-day period and if the 2432
court has not terminated the order and ordered that the 2433
respondent's firearms be returned to the respondent after a 2434
hearing under division (B) of this section, unless the order is 2435
extended for an additional period of not longer than one hundred 2436

eighty days under division (D) of this section, at the 2437
conclusion of the one-hundred-eighty-day period the order 2438
terminates and the law enforcement agency or federally licensed 2439
firearms dealer having possession of the respondent's firearms 2440
shall return them to the respondent upon the respondent's 2441
request. The agency shall return the firearms to the respondent 2442
as soon as possible after, but not later than the end of the 2443
next business day after the day on which, the respondent makes 2444
the request. 2445

(D)(1) If an extreme risk protection order has been issued 2446
by the court pursuant to division (A)(6) of section 3113.27 of 2447
the Revised Code for a one-hundred-eighty-day period and if the 2448
court has not terminated that original order and ordered that 2449
the respondent's firearms be returned to the respondent after a 2450
hearing under division (B) of this section, at any time prior to 2451
the day that is one hundred sixty-five days after the order was 2452
issued, the petitioner may file a motion with the court that 2453
issued the order to extend the order for an additional period of 2454
not longer than one hundred eighty days. 2455

If an extreme risk protection order has been issued by the 2456
court pursuant to division (A)(6) of section 3113.27 of the 2457
Revised Code, if the order has been extended under this 2458
division, and if the court has not terminated the extended 2459
extreme risk protection order and ordered that the respondent's 2460
firearms be returned to the respondent after a hearing under 2461
division (B) of this section, at any time prior to the day that 2462
is fifteen days before the date of termination of the extended 2463
order, the petitioner may file a motion with the court that 2464
issued the order to extend the order for an additional period of 2465
not longer than one hundred eighty days. 2466

Upon the filing of a motion as described in this division, 2467
the court shall schedule a hearing for a date and time that is 2468
prior to the expiration of the one-hundred-eighty-day period in 2469
the original extreme risk protection order or prior to the 2470
expiration of the date or termination of the extended order, 2471
whichever is applicable. The court shall notify the petitioner 2472
and the respondent of the date, time, and location of the 2473
hearing. 2474

(2) At the hearing on a motion filed under division (D)(1) 2475
of this section, the petitioner must prove, by clear and 2476
convincing evidence, that the respondent continues to present a 2477
significant risk of committing suicide, committing another form 2478
of serious self-harm less than death, or causing physical injury 2479
to another person in the near future to such an extent that the 2480
respondent should remain temporarily enjoined from having in the 2481
respondent's possession, custody, or control any firearm. 2482

(3) In determining at a hearing on a motion filed under 2483
division (D)(1) of this section whether to extend an extreme 2484
risk protection order, whether an initial order or a previously 2485
extended order, the court shall consider all of the factors 2486
listed in division (C) of section 3113.27 of the Revised Code. 2487

(4) Upon the completion of a hearing on the petitioner's 2488
motion filed under division (D)(1) of this section and 2489
consideration of the record, the court shall do one of the 2490
following: 2491

(a) If the court finds that the petitioner has not proven 2492
by clear and convincing evidence that the respondent continues 2493
to present a significant risk in the near future of committing 2494
suicide, committing another form of serious self-harm less than 2495
death, or causing physical injury to another person to such an 2496

extent that the respondent should be enjoined from having 2497
possession, custody, or control of any firearm, the court shall 2498
deny the petitioner's motion. If the court denies the 2499
petitioner's motion, the extreme risk protection order shall 2500
expire at the end of the specified one-hundred-eighty-day period 2501
if the order is an initial order or on the date of termination 2502
of the extension if the order is an extended order, whichever is 2503
applicable, and the law enforcement agency or federally licensed 2504
firearms dealer having custody of the firearms shall return them 2505
to the respondent upon the respondent's request after the 2506
expiration of the applicable specified period. The agency shall 2507
return the firearms to the respondent as soon as possible after, 2508
but not later than the end of the next business day after the 2509
day on which, the respondent makes the request. 2510

(b) If the court finds that the petitioner has proven by 2511
clear and convincing evidence that the respondent continues to 2512
present a significant risk in the near future of committing 2513
suicide, committing another form of serious self-harm less than 2514
death, or causing physical injury to another person to such an 2515
extent that the respondent should be enjoined from having 2516
possession, custody, or control of any firearm, the court shall 2517
grant the petitioner's motion and the court shall extend the 2518
current extreme risk protection order for an additional period 2519
of not longer than one hundred eighty days immediately following 2520
the expiration of the specified one-hundred-eighty-day period if 2521
the order is an initial order or the date of termination of the 2522
extension if the order is an extended order, whichever is 2523
applicable. 2524

(5) Whether the court grants or denies the petitioner's 2525
motion under division (D)(1) of this section to extend the 2526
extreme risk protection order, the court shall make a written 2527

statement of the evidence presented and the court's findings 2528
supporting the grant or denial of the motion and provide the 2529
same to the petitioner and the respondent. 2530

(6) If the court grants the petitioner's motion under 2531
division (D)(1) of this section to extend the extreme risk 2532
protection order for an additional period of not longer than one 2533
hundred eighty days, the court shall do all of the following: 2534

(a) Notify the law enforcement agency or federally 2535
licensed firearms dealer that then possesses the respondent's 2536
firearms that the court has extended the order for an additional 2537
period of not longer than one hundred eighty days and of the 2538
duration of the extension; 2539

(b) Notify the respondent that, at any time after the 2540
extension, the respondent may file a petition to terminate the 2541
order and reclaim the respondent's firearms under the procedure 2542
set forth in division (B) of this section or that the respondent 2543
may appeal the extension of the order to the court of appeals. 2544

(E) A law enforcement agency or federally licensed 2545
firearms dealer having custody of any firearms that were 2546
voluntarily transferred by, or that were seized from, a 2547
respondent who was subject to an extreme risk protection order 2548
issued under section 3113.27 of the Revised Code shall safely 2549
keep the firearms until further order of the court that issued 2550
the order. 2551

(F)(1) A respondent who is subject to an extreme risk 2552
protection order issued under section 3113.27 of the Revised 2553
Code and whose firearms are in the possession of a law 2554
enforcement agency or federally licensed firearms dealer may 2555
request the court to order the law enforcement agency or 2556

federally licensed firearms dealer to sell one or more of the 2557
firearms that lawfully may be sold, with the sale to be at 2558
auction, and to return the proceeds to the individual. If the 2559
firearms are in the possession of a law enforcement agency, the 2560
auction shall be under division (A)(2) of section 2981.12 of the 2561
Revised Code as if the firearms were unclaimed or forfeited 2562
firearms in the custody of the agency. The request shall specify 2563
each firearm the respondent wishes to be sold. 2564

(2) If the respondent requests a sale of one or more 2565
firearms under division (F)(1) of this section, the court shall 2566
order the law enforcement agency or federally licensed firearms 2567
dealer having custody of the specified firearms to sell the 2568
specified firearms at auction, unless the serial numbers of the 2569
specified firearms have been obliterated. If the firearms are in 2570
the possession of a law enforcement agency, the auction shall be 2571
under division (A)(2) of section 2981.12 of the Revised Code as 2572
if the specified firearms were unclaimed or forfeited firearms 2573
in the custody of the agency. 2574

(3) If a court issues an order under division (F)(2) of 2575
this section, the court's order must require that all firearms 2576
that are subject to the order be sold not more than three months 2577
after receipt of the order, and that the proceeds of the sale be 2578
distributed as follows: 2579

(a) The law enforcement agency or federally licensed 2580
firearms dealer may retain not more than three per cent of the 2581
sale price to pay the costs of the sale, including 2582
administrative costs and the auctioneer's fee and, if the agency 2583
or dealer retains any of the sale price under authority of this 2584
provision, the remainder of the proceeds of the sale shall be 2585
returned to the individual who owns the firearm. 2586

(b) If the law enforcement agency or federally licensed 2587
firearms dealer does not retain any of the sale price under 2588
authority of division (F) (3) (a) of this section, the entire 2589
amount of the proceeds shall be returned to the respondent or 2590
individual who owns the firearm that is sold. 2591

Sec. 3113.30. (A) No person shall file a petition for an 2592
extreme risk protection order under section 3113.27 of the 2593
Revised Code alleging that a respondent presents a significant 2594
risk in the near future of committing suicide, committing 2595
another form of serious self-harm less than death, or causing 2596
physical injury to another person to such an extent that the 2597
respondent should be temporarily enjoined from having in the 2598
respondent's possession, custody, or control any firearm if the 2599
person knows the allegation is false. 2600

(B) An individual injured in person or property by a 2601
violation of division (A) of this section has, and may recover 2602
full damages in, a civil action under section 2307.60 of the 2603
Revised Code. A civil action described in this division is in 2604
addition to, and does not preclude, any possible criminal 2605
prosecution of the person who violates division (A) of this 2606
section for the violation. 2607

Sec. 3113.31. (A) As used in this section: 2608

(1) "Domestic violence" means the occurrence of one or 2609
more of the following acts against a family or household member: 2610

(a) Attempting to cause or recklessly causing bodily 2611
injury; 2612

(b) Placing another person by the threat of force in fear 2613
of imminent serious physical harm or committing a violation of 2614
section 2903.211 or 2911.211 of the Revised Code; 2615

(c) Committing any act with respect to a child that would	2616
result in the child being an abused child, as defined in section	2617
2151.031 of the Revised Code;	2618
(d) Committing a sexually oriented offense.	2619
(2) "Court" means the domestic relations division of the	2620
court of common pleas in counties that have a domestic relations	2621
division and the court of common pleas in counties that do not	2622
have a domestic relations division, or the juvenile division of	2623
the court of common pleas of the county in which the person to	2624
be protected by a protection order issued or a consent agreement	2625
approved under this section resides if the respondent is less	2626
than eighteen years of age.	2627
(3) "Family or household member" means any of the	2628
following:	2629
(a) Any of the following who is residing with or has	2630
resided with the respondent:	2631
(i) A spouse, a person living as a spouse, or a former	2632
spouse of the respondent;	2633
(ii) A parent, a foster parent, or a child of the	2634
respondent, or another person related by consanguinity or	2635
affinity to the respondent;	2636
(iii) A parent or a child of a spouse, person living as a	2637
spouse, or former spouse of the respondent, or another person	2638
related by consanguinity or affinity to a spouse, person living	2639
as a spouse, or former spouse of the respondent.	2640
(b) The natural parent of any child of whom the respondent	2641
is the other natural parent or is the putative other natural	2642
parent.	2643

(4) "Person living as a spouse" means a person who is 2644
living or has lived with the respondent in a common law marital 2645
relationship, who otherwise is cohabiting with the respondent, 2646
or who otherwise has cohabited with the respondent within five 2647
years prior to the date of the alleged occurrence of the act in 2648
question. 2649

(5) "Victim advocate" means a person who provides support 2650
and assistance for a person who files a petition under this 2651
section. 2652

(6) "Sexually oriented offense" has the same meaning as in 2653
section 2950.01 of the Revised Code. 2654

(7) "Companion animal" has the same meaning as in section 2655
959.131 of the Revised Code. 2656

(8) "Expunge" has the same meaning as in section 2903.213 2657
of the Revised Code. 2658

(B) The court has jurisdiction over all proceedings under 2659
this section. The petitioner's right to relief under this 2660
section is not affected by the petitioner's leaving the 2661
residence or household to avoid further domestic violence. 2662

(C) A person may seek relief under this section on the 2663
person's own behalf, or any parent or adult household member may 2664
seek relief under this section on behalf of any other family or 2665
household member, by filing a petition with the court. The 2666
petition shall contain or state: 2667

(1) An allegation that the respondent engaged in domestic 2668
violence against a family or household member of the respondent, 2669
including a description of the nature and extent of the domestic 2670
violence; 2671

(2) The relationship of the respondent to the petitioner, 2672
and to the victim if other than the petitioner; 2673

(3) A request for relief under this section. 2674

(D)(1) If a person who files a petition pursuant to this 2675
section requests an ex parte order, the court shall hold an ex 2676
parte hearing on the same day that the petition is filed. The 2677
court, for good cause shown at the ex parte hearing, may enter 2678
any temporary orders, with or without bond, including, but not 2679
limited to, an order described in division (E)(1)(a), (b), or 2680
(c) of this section, that the court finds necessary to protect 2681
the family or household member from domestic violence. Immediate 2682
and present danger of domestic violence to the family or 2683
household member constitutes good cause for purposes of this 2684
section. Immediate and present danger includes, but is not 2685
limited to, situations in which the respondent has threatened 2686
the family or household member with bodily harm, in which the 2687
respondent has threatened the family or household member with a 2688
sexually oriented offense, or in which the respondent previously 2689
has been convicted of, pleaded guilty to, or been adjudicated a 2690
delinquent child for an offense that constitutes domestic 2691
violence against the family or household member. 2692

(2)(a) If the court, after an ex parte hearing, issues an 2693
order described in division (E)(1)(b) or (c) of this section, 2694
the court shall schedule a full hearing for a date that is 2695
within seven court days after the ex parte hearing. If any other 2696
type of protection order that is authorized under division (E) 2697
of this section is issued by the court after an ex parte 2698
hearing, the court shall schedule a full hearing for a date that 2699
is within ten court days after the ex parte hearing. The court 2700
shall give the respondent notice of, and an opportunity to be 2701

heard at, the full hearing. The court shall hold the full 2702
hearing on the date scheduled under this division unless the 2703
court grants a continuance of the hearing in accordance with 2704
this division. Under any of the following circumstances or for 2705
any of the following reasons, the court may grant a continuance 2706
of the full hearing to a reasonable time determined by the 2707
court: 2708

(i) Prior to the date scheduled for the full hearing under 2709
this division, the respondent has not been served with the 2710
petition filed pursuant to this section and notice of the full 2711
hearing. 2712

(ii) The parties consent to the continuance. 2713

(iii) The continuance is needed to allow a party to obtain 2714
counsel. 2715

(iv) The continuance is needed for other good cause. 2716

(b) An ex parte order issued under this section does not 2717
expire because of a failure to serve notice of the full hearing 2718
upon the respondent before the date set for the full hearing 2719
under division (D)(2)(a) of this section or because the court 2720
grants a continuance under that division. 2721

(3) If a person who files a petition pursuant to this 2722
section does not request an ex parte order, or if a person 2723
requests an ex parte order but the court does not issue an ex 2724
parte order after an ex parte hearing, the court shall proceed 2725
as in a normal civil action and grant a full hearing on the 2726
matter. 2727

(E)(1) After an ex parte or full hearing, the court may 2728
grant any protection order, with or without bond, or approve any 2729
consent agreement to bring about a cessation of domestic 2730

violence against the family or household members. The order or 2731
agreement may: 2732

(a) Direct the respondent to refrain from abusing or from 2733
committing sexually oriented offenses against the family or 2734
household members; 2735

(b) Grant possession of the residence or household to the 2736
petitioner or other family or household member, to the exclusion 2737
of the respondent, by evicting the respondent, when the 2738
residence or household is owned or leased solely by the 2739
petitioner or other family or household member, or by ordering 2740
the respondent to vacate the premises, when the residence or 2741
household is jointly owned or leased by the respondent, and the 2742
petitioner or other family or household member; 2743

(c) When the respondent has a duty to support the 2744
petitioner or other family or household member living in the 2745
residence or household and the respondent is the sole owner or 2746
lessee of the residence or household, grant possession of the 2747
residence or household to the petitioner or other family or 2748
household member, to the exclusion of the respondent, by 2749
ordering the respondent to vacate the premises, or, in the case 2750
of a consent agreement, allow the respondent to provide 2751
suitable, alternative housing; 2752

(d) Temporarily allocate parental rights and 2753
responsibilities for the care of, or establish temporary 2754
parenting time rights with regard to, minor children, if no 2755
other court has determined, or is determining, the allocation of 2756
parental rights and responsibilities for the minor children or 2757
parenting time rights; 2758

(e) Require the respondent to maintain support, if the 2759

respondent customarily provides for or contributes to the 2760
support of the family or household member, or if the respondent 2761
has a duty to support the petitioner or family or household 2762
member; 2763

(f) Require the respondent, petitioner, victim of domestic 2764
violence, or any combination of those persons, to seek 2765
counseling; 2766

(g) Require the respondent to refrain from entering the 2767
residence, school, business, or place of employment of the 2768
petitioner or family or household member; 2769

(h) Grant other relief that the court considers equitable 2770
and fair, including, but not limited to, ordering the respondent 2771
to permit the use of a motor vehicle by the petitioner or other 2772
family or household member and the apportionment of household 2773
and family personal property; 2774

(i) Require that the respondent not remove, damage, hide, 2775
harm, or dispose of any companion animal owned or possessed by 2776
the petitioner; 2777

(j) Authorize the petitioner to remove a companion animal 2778
owned by the petitioner from the possession of the respondent; 2779

(k) Require a wireless service transfer in accordance with 2780
sections 3113.45 to 3113.459 of the Revised Code. 2781

(2) If a protection order has been issued pursuant to this 2782
section in a prior action involving the respondent and the 2783
petitioner or one or more of the family or household members or 2784
victims, the court may include in a protection order that it 2785
issues a prohibition against the respondent returning to the 2786
residence or household. If it includes a prohibition against the 2787
respondent returning to the residence or household in the order, 2788

it also shall include in the order provisions of the type 2789
described in division (E) (7) of this section. This division does 2790
not preclude the court from including in a protection order or 2791
consent agreement, in circumstances other than those described 2792
in this division, a requirement that the respondent be evicted 2793
from or vacate the residence or household or refrain from 2794
entering the residence, school, business, or place of employment 2795
of the petitioner or a family or household member, and, if the 2796
court includes any requirement of that type in an order or 2797
agreement, the court also shall include in the order provisions 2798
of the type described in division (E) (7) of this section. 2799

(3) (a) Any protection order issued or consent agreement 2800
approved under this section shall be valid until a date certain, 2801
but not later than five years from the date of its issuance or 2802
approval, or not later than the date a respondent who is less 2803
than eighteen years of age attains nineteen years of age, unless 2804
modified or terminated as provided in division (E) (8) of this 2805
section. 2806

(b) Subject to the limitation on the duration of an order 2807
or agreement set forth in division (E) (3) (a) of this section, 2808
any order under division (E) (1) (d) of this section shall 2809
terminate on the date that a court in an action for divorce, 2810
dissolution of marriage, or legal separation brought by the 2811
petitioner or respondent issues an order allocating parental 2812
rights and responsibilities for the care of children or on the 2813
date that a juvenile court in an action brought by the 2814
petitioner or respondent issues an order awarding legal custody 2815
of minor children. Subject to the limitation on the duration of 2816
an order or agreement set forth in division (E) (3) (a) of this 2817
section, any order under division (E) (1) (e) of this section 2818
shall terminate on the date that a court in an action for 2819

divorce, dissolution of marriage, or legal separation brought by 2820
the petitioner or respondent issues a support order or on the 2821
date that a juvenile court in an action brought by the 2822
petitioner or respondent issues a support order. 2823

(c) Any protection order issued or consent agreement 2824
approved pursuant to this section may be renewed in the same 2825
manner as the original order or agreement was issued or 2826
approved. 2827

(4) A court may not issue a protection order that requires 2828
a petitioner to do or to refrain from doing an act that the 2829
court may require a respondent to do or to refrain from doing 2830
under division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of 2831
this section unless all of the following apply: 2832

(a) The respondent files a separate petition for a 2833
protection order in accordance with this section. 2834

(b) The petitioner is served notice of the respondent's 2835
petition at least forty-eight hours before the court holds a 2836
hearing with respect to the respondent's petition, or the 2837
petitioner waives the right to receive this notice. 2838

(c) If the petitioner has requested an ex parte order 2839
pursuant to division (D) of this section, the court does not 2840
delay any hearing required by that division beyond the time 2841
specified in that division in order to consolidate the hearing 2842
with a hearing on the petition filed by the respondent. 2843

(d) After a full hearing at which the respondent presents 2844
evidence in support of the request for a protection order and 2845
the petitioner is afforded an opportunity to defend against that 2846
evidence, the court determines that the petitioner has committed 2847
an act of domestic violence or has violated a temporary 2848

protection order issued pursuant to section 2919.26 of the Revised Code, that both the petitioner and the respondent acted primarily as aggressors, and that neither the petitioner nor the respondent acted primarily in self-defense.

(5) No protection order issued or consent agreement approved under this section shall in any manner affect title to any real property.

(6)(a) If a petitioner, or the child of a petitioner, who obtains a protection order or consent agreement pursuant to division (E)(1) of this section or a temporary protection order pursuant to section 2919.26 of the Revised Code and is the subject of a parenting time order issued pursuant to section 3109.051 or 3109.12 of the Revised Code or a visitation or companionship order issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or division (E)(1)(d) of this section granting parenting time rights to the respondent, the court may require the public children services agency of the county in which the court is located to provide supervision of the respondent's exercise of parenting time or visitation or companionship rights with respect to the child for a period not to exceed nine months, if the court makes the following findings of fact:

(i) The child is in danger from the respondent;

(ii) No other person or agency is available to provide the supervision.

(b) A court that requires an agency to provide supervision pursuant to division (E)(6)(a) of this section shall order the respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient

income or resources to pay that cost. 2878

(7)(a) If a protection order issued or consent agreement 2879
approved under this section includes a requirement that the 2880
respondent be evicted from or vacate the residence or household 2881
or refrain from entering the residence, school, business, or 2882
place of employment of the petitioner or a family or household 2883
member, the order or agreement shall state clearly that the 2884
order or agreement cannot be waived or nullified by an 2885
invitation to the respondent from the petitioner or other family 2886
or household member to enter the residence, school, business, or 2887
place of employment or by the respondent's entry into one of 2888
those places otherwise upon the consent of the petitioner or 2889
other family or household member. 2890

(b) Division (E)(7)(a) of this section does not limit any 2891
discretion of a court to determine that a respondent charged 2892
with a violation of section 2919.27 of the Revised Code, with a 2893
violation of a municipal ordinance substantially equivalent to 2894
that section, or with contempt of court, which charge is based 2895
on an alleged violation of a protection order issued or consent 2896
agreement approved under this section, did not commit the 2897
violation or was not in contempt of court. 2898

(8)(a) The court may modify or terminate as provided in 2899
division (E)(8) of this section a protection order or consent 2900
agreement that was issued after a full hearing under this 2901
section. The court that issued the protection order or approved 2902
the consent agreement shall hear a motion for modification or 2903
termination of the protection order or consent agreement 2904
pursuant to division (E)(8) of this section. 2905

(b) Either the petitioner or the respondent of the 2906
original protection order or consent agreement may bring a 2907

motion for modification or termination of a protection order or 2908
consent agreement that was issued or approved after a full 2909
hearing. The court shall require notice of the motion to be made 2910
as provided by the Rules of Civil Procedure. If the petitioner 2911
for the original protection order or consent agreement has 2912
requested that the petitioner's address be kept confidential, 2913
the court shall not disclose the address to the respondent of 2914
the original protection order or consent agreement or any other 2915
person, except as otherwise required by law. The moving party 2916
has the burden of proof to show, by a preponderance of the 2917
evidence, that modification or termination of the protection 2918
order or consent agreement is appropriate because either the 2919
protection order or consent agreement is no longer needed or 2920
because the terms of the original protection order or consent 2921
agreement are no longer appropriate. 2922

(c) In considering whether to modify or terminate a 2923
protection order or consent agreement issued or approved under 2924
this section, the court shall consider all relevant factors, 2925
including, but not limited to, the following: 2926

(i) Whether the petitioner consents to modification or 2927
termination of the protection order or consent agreement; 2928

(ii) Whether the petitioner fears the respondent; 2929

(iii) The current nature of the relationship between the 2930
petitioner and the respondent; 2931

(iv) The circumstances of the petitioner and respondent, 2932
including the relative proximity of the petitioner's and 2933
respondent's workplaces and residences and whether the 2934
petitioner and respondent have minor children together; 2935

(v) Whether the respondent has complied with the terms and 2936